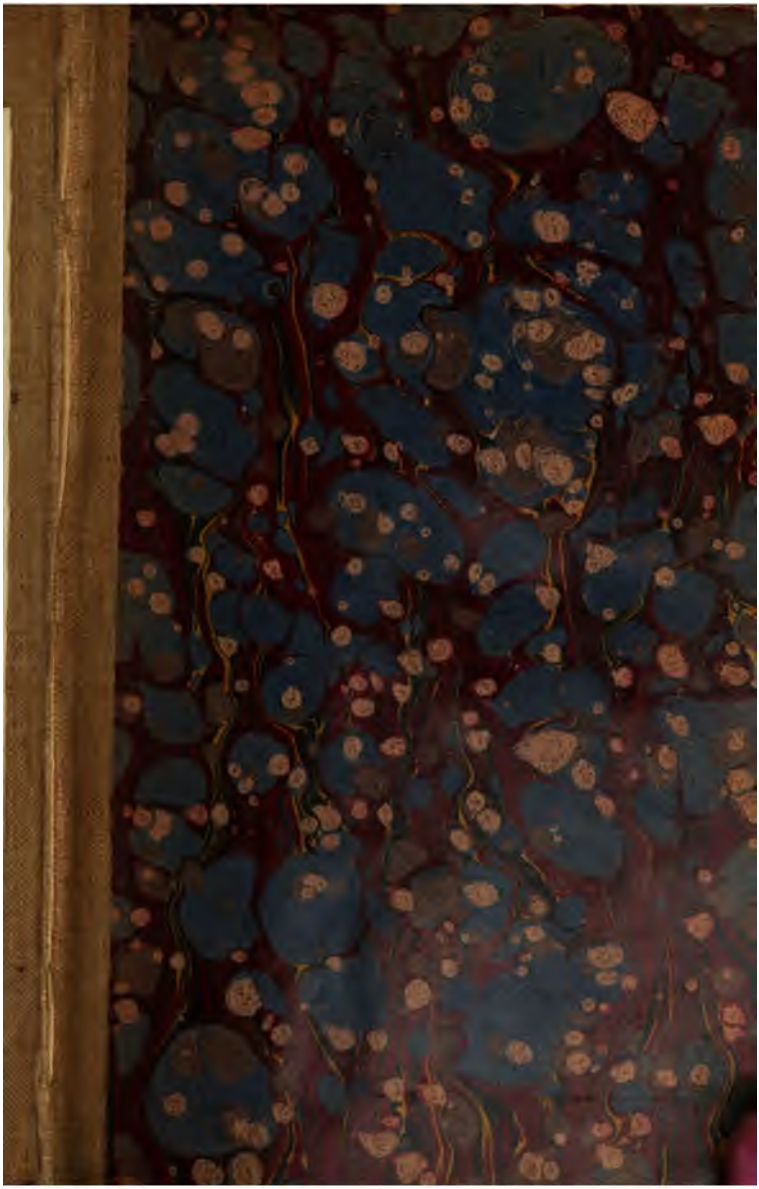

HANDBOOK OF PATENT LAW OF ALL COUNTRIES.

HANDBOOK OF PATENT LAW OF ALL COUNTRIES

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FOREIGN AND COLONIAL PATENTS—(*continued*).

(APPENDICES embracing new laws will be bound up, or issued separately, with later copies as required.)

PREFACE TO THE THIRTEENTH EDITION

THIS handbook, which in the present edition has been completely revised, is not written with the object of enabling every man to be his own Patent Agent, for it is simply impossible for any ordinary individual to become a good Patent Agent without years of training in a large Patent Office, and without having special adaptability to the work. Its aim is to act as a useful guide to patentees, manufacturers, and investors in patents. It is also written with a view of answering the multitudinous inquiries as to cost and law of patenting which the author's firm daily receives in the course of its business—a business which for many years past has comprised incomparably the largest Provincial Patent Agency in the British Isles, and, with possibly one exception, the largest International one also. As in former editions, the fees for procuring Patents at home and abroad are inserted. These are only approximate, being the

[redacted]

HANDBOOK OF PATENT LAW.

GREAT BRITAIN AND IRELAND.

(Population, 42,000,000.)

KINDS OF PROTECTION.

There are four species of industrial protection :—

1. Patents for invention for fourteen years.
2. Registration of designs for five years.
3. Registration of trade marks for fourteen years, renewable again and again, for fourteen years, and "Patent Medicines."
4. Copyright of books and plays, works of art, musical productions, and photographs.

PATENTS OF INVENTION.

A Patent, or exclusive privilege, to an inventor for a limited period, is, in reality, a contract between the Crown, on behalf of the nation at large, and the inventor. The latter gives to the public what it did not possess before—the full details of a new invention ; the Crown, in return, gives the inventor the exclusive right, subject to certain conditions, of working that invention for a limited period, at the end of which time the full benefit of the discovery passes to the public.

HANDBOOK OF PATENT LAW OF ALL COUNTRIES.

abroad have taken out patents in their own names, and the office freely grants such and so far their legality has not been questioned. For the above and for other reasons, however, it is safer and better for foreigners residing abroad to apply for patents through a resident in this country as communications. An exception to this is made expressly when the inventor is a citizen of or resident in one of the countries forming the Union for the Protection of Industrial Property (see page 29), and the patent is applied for within twelve months of the date of the earliest foreign patent and under the rules of the Convention. It must then be taken out in the name of the foreign patentee.

Where, however, a patent has been applied for by a resident in this country as a communication from a foreigner resident abroad, and that patent is afterwards assigned to a foreigner, there is no doubt that the latter can legally hold such patent, and carry on actions for infringement thereof.

In case of a patent being lost or destroyed, a duplicate will be issued to the inventor or owner on his proving the facts of the case to the satisfaction of the Comptroller, and paying the prescribed fees.

JOINT INVENTION.

When an invention is the joint production of two minds, it should be patented in their joint names; for should it be proved that the patentee obtained from another individual a material part of the invention, the patent will be invalid.

Should, however, an inventor employ another individual to perform experiments with a view to making a specific discovery, the discovery so made is in the eye of the law made by the employer, and can be patented by him without using the name of the afore-

said employé, the latter being looked upon as merely an instrument employed by the inventor.

An employer has no right or title to the inventions of his employés, except such as those mentioned in the previous paragraph, where the employé has been employed purposely to work out the details of a general idea unfolded to him by his employer. Even should there be a special agreement between master and servant, that all inventions of the latter made during the period of service shall become the property of the former, the patents securing said inventions must be applied for in the name of the employé, alone or conjointly with that of the employer, but can be afterwards assigned to the employer.

Two or more individuals obtaining a patent in their joint names, or joint owners in a patent without a special agreement, are not partners, but each has an equal and co-extensive right to work the patent to his own individual advantage, or to license others, or to sell his entire share but not a part thereof, and neither is responsible for the liabilities of the other, but all owners have a joint interest in all royalties received by any one of them. It is therefore very desirable in all cases of dual ownership, that there should be a definite written agreement between the parties.

A patent can be seized by a sheriff, and in case of bankruptcy of owner it forms part of the estate, and can be sold for the benefit of the creditors.

WHAT CAN BE PATENTED.

Any new art, manufacture, or composition of matter, new combination of two or more known things producing an advantageous result, or any new chemical or other process, or improvement on existing processes or manufactures, can be patented.

Two substantially distinct inventions cannot legally be combined in one patent, and if, in the opinion of the Comptroller of the Patent Office, an application cover more than one invention, the grant is refused, subject to an appeal to the Attorney or Solicitor-General; but the applicant has the option of a patent for one of the inventions set forth in his specification, and of making a fresh application or applications for the others. These, if he desire it, and if they be made within six months of the original application, are dated as of the day of the original application, or such later date as the Comptroller may direct.

From various decisions of the Law Officers, the unwritten rule adopted by the examiners appears to be as follows:—Any two or more distinct inventions, dependent for their successful operation upon each other, and tending together to produce one result, can be covered by one application; also two or more ways of accomplishing the same result, if they have apparently novel points in common, can be covered by one application. Practically, where two inventions are allowed in one provisional protection, they are not afterwards required to be divided, except at the request of the inventor.

A patent once granted cannot be objected to at law, on the ground of its covering more than one invention.

A new application of a known thing can be patented, provided it be not analogous to any existing application thereof, or a similar material has not already been so applied. Thus, the new application of vulcanised india-rubber in place of iron in the tyres of traction engines was the subject of a valid patent, while the employment of vulcanised india-rubber, then a known substance, for a purpose to which non-vulcanised rubber had been already applied, was held to be no invention, and the patent for it invalid.

The new combination of two known means to effect an improved result can be patented. Thus, the hot blast and anthracite had both been used separately in the smelting of iron; yet a patent for using the hot blast in combination with anthracite was decided to be valid, the combination producing great commercial advantage.

A patent specification may refer to subject-matter of another prior unexpired patent, but the patentee cannot of course work the previous patent without a license from the owner thereof. This license, however, he can under some circumstances obtain from the patentee (or should the latter be unwilling to grant it otherwise), by petition to the Board of Trade and the Judicial Committee of the Privy Council, as hereafter explained, under the head Compulsory Licenses, page 28.

WHAT INVENTIONS ARE MOST PROFITABLE.

Patents for improvements on small objects in common use, or in the manufacture thereof are usually much more profitable than those for steam-engines, blast furnaces, ships, or other large and costly structures. Bessemer, who made more than a million sterling out of his steel-making patents, is a comparatively rare exception to this rule. In an official report of a chief examiner of the United States Patent Office appears the following:—"A patent, if it is worth anything, when properly managed, is worth, and can easily be sold for, from ten to fifty thousand dollars. These remarks only apply to patents of minor or ordinary value. They do not include such as the telegraph, the planing machine, and the rubber patents, which were worth millions of dollars each.

A few cases of the first kind will better illustrate my meaning.

"A man obtained a patent for a slight improvement in straw-cutters, took a model of his invention through the Western States, and, after a tour of eight months, returned with forty thousand dollars (£8000) in cash, or its equivalent.

"Another inventor obtained extension of a patent for a machine to thrash and clean grain, and sold it in about fifteen months for sixty thousand dollars (£12,000). A third obtained a patent for printers' ink, and refused fifty thousand dollars (£10,000), and finally sold it for about sixty thousand dollars (£12,000).

"These are ordinary cases of minor inventions, involving no very considerable inventive powers, and of which hundreds go out of the Patent Office every year. Experience shows that the most profitable patents are those which contain very little invention, and are, to a superficial observer, of little value."

Another species of patent, almost always highly profitable, is that of small improvements on existing processes in the arts. Almost all the principal manufacturing firms that have risen and become eminent during the last fifty years, date their prosperity from some occasion when, making an improvement upon the then existing methods of manufacture (frequently only in some insignificant detail), they obtained for a time almost a monopoly of the trade. Thus a firm in Birmingham are believed to have made more than a million sterling out of their patent for making screws pointed, so that they may enter the wood more easily.

A firm of London candle manufacturers took out a patent for making the lower ends of candles taper, instead of parallel, so as to more easily fit the sockets, and to this small improvement, "which any fool might have invented," *but did not*, a large part of their present enormous business is owing.

The patent for making umbrellas out of alpaca instead of gingham realised a princely fortune for its inventor, while the simple patented idea of heating the blast in iron smelting has certainly increased the wealth of this country by hundreds of millions.

In most cases where men have risen to eminence through inventions, they did not stop at a single patent, but kept on improving, and *buying also the improvements of their workpeople and others.* Howe, the inventor of the sewing-machine, was an exception. He made a large fortune out of that one invention, and left improvements on it to others. One firm among his licensees, Wheeler and Wilson, by taking out fresh patents, and working them, are said to have made more than $1,000,000 (£200,000) a year net profits, during the continuance of Howe's patent, after paying the latter his magnificent royalties.

RIGHTS CONFERRED BY PATENTS.

A patent gives its owner the sole right, for 14 years (subject to his paying the taxes at the end of the fourth and subsequent years), of making, using, selling (or importing) the article or process patented, in the United Kingdom of Great Britain, Ireland, and the Isle of Man, and on the adjacent seas, but not in ships of those countries or colonies that grant similar exemption to British shipping in their waters. This sole right is, however, subject to the exceptions set forth in the article Compulsory Licenses, page 28.

It is an infringement of the patentee's rights to manufacture for one's personal household use.

REGISTERED PATENT AGENTS.

The Government does not guarantee anything in the patent, but simply gives the patentee a right to

the exclusive use of his invention, subject to certain limitations, and so long as nothing against the validity of his patent shall be proved. It is a common mistake to suppose that "a patent is a patent," and that so long as an inventor has his letters patent he has a good and sufficient title deed. It is, indeed, an undoubted fact that the majority of the patents at present existing will not "hold water" (generally through defective drawing up, or from embracing what is old). This is owing in a great part to the employment of "cheap agents," and inventors doing their own patenting. It is notorious in the profession that certain individuals who send round circulars to all those taking out provisional protection offering to complete the same or take out foreign patents at prices that cannot pay for good work, almost invariably draw up the specifications in a manner that will injure or nullify the patent rights. Nothing, indeed, in the whole range of law requires so much skill to draw up as the final specifications of patents. With other law documents there are books of precedents to keep one straight. This is not and cannot be the case with patent specifications, and without great care and skill on the part of the man who draws these up, they are almost certain to be valueless. It is for this reason that solicitors usually decline to take out patents, but refer their clients to men whose special business and training qualifies them to draw up these documents.

So great has this evil of incompetent practitioners become, that in 1888 an Act was passed allowing no fresh individuals to advertise themselves as "Patent Agents" without first passing an examination. This will be very beneficial in the long run, but the first effect of the Act was the registration of a large number of inexperienced men anxious to come in without examination.

Any person styling himself a Patent Agent when unregistered is liable to a fine of £20. The law, however, does not prevent an unregistered person from practising under the designation Patent Expert, or from putting up the sign "Patent Office."

PROCEDURE FOR OBTAINING A BRITISH PATENT.

An invention can be provisionally protected for six months, and this provisional protection can be changed at any time during said six months into a complete patent for fourteen years (subject to forfeiture in case of non-payment of certain stamp duties. See page 23). An invention can also be protected by a complete application, at the outset, instead of by a provisional one, in which case no provisional application is required. The specification in a provisional application merely describes the nature of an invention, without giving it in all its minute details, or making any distinct claim. A complete specification must, as its name implies, fully describe the invention, and must clearly and distinctly point out exactly what parts are new and claimed as the actual invention protected, and is a document requiring the highest skill and long experience to draw up efficiently.

The following are the respective advantages of filing a provisional or a complete application :—

PROVISIONAL.	COMPLETE.
Protection commences from the day when the specification has been formally deposited, provided the specification for a patent be reasonably full and in order, and be eventually accepted. The invention may,	Protection commences from the day when the application has been formally accepted. After the acceptance of the complete application, and until the date of sealing the patent, or the expiration of the time

during the period between the date of application and the date of sealing such patent, be used and published without prejudice or injury to the patent to be granted for the same, but the inventor cannot prosecute infringers till he obtain his patent, nor can he even then obtain damages for infringements made previous to the acceptance of his complete specification.

The provisional application gives the inventor priority from the date of his application, and the inventor has six months during which he can work out the details and decide what to claim.

The description of the invention is kept secret until the acceptance of the complete specification, and should, from any cause, that specification be not accepted, it is not published at all, and the applicant can make a second application.

Abundant time is left, after protecting in England, for filing foreign patent applications, and for the inventor to get (by applying for a patent in the United States) the very exhaustive report of the American Patent Office examiner on the novelty of the invention (a very useful document), before deciding what claims to make in the complete British specification.

or sealing, the applicant has the like privileges and rights as if a patent for the invention had been sealed to him on the date of acceptance of his application, except that he cannot prosecute infringers until the actual patent is granted to him. He can then obtain damages for all infringements subsequent to the date of the acceptance of his complete specification.

The claims in the complete specification cannot afterwards be added to, though they may be curtailed or palpable clerical errors corrected, and in some cases explanations made. These alterations entail extra expense.

The specification is printed and published shortly after the application has been accepted (unless the applicant specially petitions to the contrary), and owners of prior provisional protections still running, seeing the invention can draw their claims wider to cover it, and thus rob the later inventor.

Patents for several foreign countries, in order to be valid, must be applied for on or before the day of acceptance of a complete specification in England.

The complete specification is at once examined as to novelty, and there is no hurry or chance of loss of date in getting the case accepted. This is the greatest advantage of all.

This mode of procedure costs a little more for the complete patent than the other, but only the small cost of provisional protection need be paid when making the application, and the remainder when filing the complete specification.

A slight saving may be effected by this method of application, but the entire cost of the patent with the exception of the final fee, has to be paid at once.

PROVISIONAL PROTECTION.

An inventor or inventors, with or without other individuals joining him or them in the application, can obtain provisional protection by application prepared in due form deposited at the Patent Office. Considerable skill and experience are required to properly draw up the specification, and inventors, as a rule, will find it best to employ an experienced Patent Agent for this purpose.

While the law of 1852 was in force we recommended all inventors to have a search made as to novelty before protecting. Now, however, since protection can be obtained so cheaply, and the Government make a search when the complete application is filed, when any non-novel claims can be cut out or amended, and as under the present law disclaiming (as will be afterwards described), has become almost a matter of right, instead of favour, it will usually be found the wiser plan to obtain immediate protection where there is a reasonable ground for believing the invention to be valuable and new. During the six months that next ensue, the inventor will have ample opportunity of finding out whether his invention be new, or to what extent it is old, especially if he introduce it to the trade at large, or apply for a United States or German patent, in which case the Government of that country will make a search as to the novelty of the invention and furnish a full report.

Provisional protection, if the papers are reasonably

complete, dates from the day when the papers are deposited in the Patent Office, or, if correctly addressed and officially posted to it, from the hour when such papers should in the ordinary course of post have been delivered, even though, through some accident, the parcel be delayed or lost in transmission.

Provisional protection lasts six months (or seven months with an extra payment of £2 10*s*.), during which period the inventor can freely work and sell his invention, but he cannot sue infringers until his patent be sealed, when he can obtain damages for all infringements made after the acceptance of his complete specification. The industrial use or sale of a patented machine after completion of the patent, though the machine was made before the acceptance of the complete specification, is an infringement of the patent. A patent for the invention applied for and completed by another party during the provisional protection does not prejudice the patent afterwards obtained on such provisional protection.

First Examination.

Each application, as soon as practicable after deposit, is referred to an examiner, who ascertains and reports to the Comptroller, (1st) whether the nature of the invention has been, in his opinion, fairly described; (2nd) whether the application, specification, and drawings, if any, have been prepared in the prescribed manner; and (3rd) whether the title sufficiently indicates the subject-matter of the invention. As, too, the Comptroller has power to refuse patents contrary to law and order, and only one invention can by law be patented under one application, it is the examiner's duty to report on these particulars. If the examiner reports against the application on any of these enumerated points, the Comptroller may

require the application, specification, or drawings to be amended before he proceeds with the application, and, if the case be very imperfect or informal, has power to only grant protection from the date when the required corrections have been made. The Comptroller does not, however, exert this power except in extreme cases.

This power of ordering amendment is open to serious abuse. There have been cases, even where alterations made at the instance of the examiners have increased the scope of the original invention to the detriment of subsequent applicants. These alterations are kept secret, and only the specification as actually amended is published. The law wants a radical alteration here, as in our experience it opens a door for fraud, which has in the past been very frequently taken advantage of by unscrupulous patentees. All that men can do is done by the present examiners to prevent abuse, but the only safe rule (in force already in nearly all other countries) is that a document once filed can never be altered, but that its contents can be qualified by a second document, dated as of the day it is filed stating the amendments demanded or made.

Where, indeed, amendments or disclaimers are made after the sealing of the patent, this rule is usually carried out in England.

The applicant may appeal against the Comptroller's decision to the Law officers of the Crown.

If an appeal be made, the Attorney or Solicitor-General hears the applicant or his agent and the Comptroller, and decides whether the application shall be allowed, and upon what terms.

If the application be considered in order, it is allowed to date from the day of application (except in the cases above mentioned and somewhat similar ones hereafter mentioned in connection with the

second examination), the applicant is notified, and the provisional specification is kept secret till the acceptance of the complete specification. If a complete specification be filed at the outset, instead of a provisional one, the specification and drawings are immediately published on their acceptance; but the printed copies cannot usually be obtained till a month later.

The provisional application being allowed, the next step in obtaining a patent consists in depositing within six months of the date of application for provisional protection (or seven months with a fine of £2 10s.).

A Complete Specification.

The complete specification must describe the invention fully and in detail, and the best mode known to the inventor of carrying it out. If drawings are useful or desirable for the better understanding, they must be furnished, drawn in an artistic manner, in accordance with the rules, and the invention claimed must be accurately and particularly defined.

The specification must also clearly distinguish and point out exactly what is new in the invention; and should anything claimed as new be proved hereafter to have been known, or in public use in the realm previous to the application, or be entirely useless, the patent becomes void. (There is an expensive remedy for this, however, as will be afterwards explained under the head "Disclaimers." Pages 25 to 27.)

An invention must be fully and unreservedly explained in the specification, without concealing any part, and so that any competent workman, conversant with the branch of manufacture to which it is nearly related, could work the invention without any other instructions than those the specification affords; otherwise the patent will not be valid.

Any evidence of deceit apparent on the face of the specification invalidates the patent; as, for instance, if an ingredient be mentioned as forming an essential part of a compound, which ingredient, however, the inventor knew was of no manner of use in it. Similarly, if it be found that the inventor concealed any part of his invention, or set forth an inferior mode of working, knowing of a superior one, his patent is void on the ground of bad faith.

In the case of communications from abroad, however, no evidence of deceit or fraud on the part of the communicator can invalidate the patent. But if it be proved that the person to whom the invention is communicated and who takes out the patent has made a concealment of this nature, or has obtained the invention by fraud, the patent can be upset at law.

The complete specification requires the highest skill and experience to draw up so as to stand at law, and upon it depends the value of the patent, and indeed its very existence as a piece of tangible property.

Second Examination.

The complete specification is referred to an official, who examines it to see if the invention as set forth complete is the same as that set forth in the provisional specification, whether it has been described in whole or in part in any prior British specification published during the immediately preceding fifty years. If the invention be found to be novel, the specification is accepted in about six or eight weeks after it is filed. If, however, the invention be anticipated in whole or in part, the applicant has the option:—

1. Of amending his specification, in which case it

is again examined, and possibly again objected to by the examiner, and so on for several times, or

2. Inserting a reference to such prior specification in his own, or

3. Appealing against the Examiner's decision.

The official examination is not an absolutely complete one, as it is only British patents of the previous fifty years that are examined, and not, as in Germany and the United States, foreign patent specifications and books also, which, if they contain the invention and are open for public inspection here, are equally fatal to a valid English patent.

If the Examiner be not satisfied, the Comptroller hears the applicant if the latter desire it, and then determines whether a reference to any, and if so what, specifications ought to be made in the specification by way of notice to the public. If the examination shows that the invention is completely forestalled by a single prior patent, this fact can be prominently set forth on the patent specification by order of the Comptroller.

Should considerable delay have been caused by amendments, the Comptroller may at his discretion seal it as of a later date than that of the application.

If the complete specification be not accepted within twelve months from the date of the application (unless delayed by appeal to the Law Officer) protection ceases, and the invention becomes public property. The Comptroller, in cases of hardship, is however allowed at his discretion to extend the time three months.

Hearing an Objection.

As the citation on the actual printed specification of one or more patents as anticipations is very

injurious to the value of a patent, it is very desirable that all such citations should be carefully considered and argued or amended away. The charge for this step varies from one pound upwards according to the complexity of the case.

An appeal can be made from the decision of the Comptroller under this section to the Law Officer.

It is no part of the examiner's duty to examine into the validity of the specification or the novelty of the invention, otherwise than as regards these fifty years of British complete patent specifications; and though the claims may be clearly bad, it is his duty to pass them unaltered, if in form and based on the provisional specification, and not covered by these prior patent specifications.

Advertising.

When the complete specification (whether filed instead of a provisional, or in pursuance of a provisional previously filed) is accepted by the Comptroller, it is immediately advertised as open to public inspection, and any one can examine it at the Patent Office, or obtain a copy of it on paying the cost of transcribing.

It is also put in the hands of the King's printers and printed in due course, usually about three weeks after acceptance. It can then be purchased for one shilling a copy, including postage and agency.

Opposition.

During the ensuing two months after acceptance of the complete specification, any person is at liberty to oppose the grant of the patent, on the ground that the applicant has obtained the invention from him, or from some one of whom he is the legal representative, or that it has been the subject of a prior patent

or patents in one of which the opponent has, or had before it became public property, a beneficiary interest, or that it includes an invention not set forth in the provisional specification for which the opponent has since the filing of the provisional specification applied for a patent. If an opposition be entered, the matter is adjudicated upon by the Comptroller of Patents, but the parties have the right of appeal to the Attorney or Solicitor-General.

If the points in dispute involve technicalities beyond the knowledge of the Law Officer, he is allowed to call in a man eminent in the line of business to which the invention relates to assist him as assessor. The Law Officer has the power of making either party pay a part or all of the other's costs as he may think just, but seldom allows more than five to seven guineas.

In these oppositions it is not necessary to employ a barrister, and, indeed, with a few exceptions (counsel making a speciality of patent work), a good patent agent makes at these hearings a better advocate than a barrister.

No costs are allowed for the hearing before the Comptroller.

In these cases the person who first makes an application for the patent is held, in default of conclusive evidence to the contrary, to be the first inventor, and, though the patent may be granted to each separately if no opposition be made to the second, yet the owner of the patent of earlier date has the sole right and title to the new matter common to both patents (if claimed by him), and the second cannot use it without the first's permission.

Two or more inventors effecting the same result but by different means, can each obtain a valid patent for his mode of procedure, provided said modes are substantially different.

A patent granted to the true and first inventor is not invalidated by a prior application made in fraud of him, nor by any sale, publication, or working of the invention made subsequent to the fraudulent application, and during the period of provisional protection; and where a patent has been revoked or cancelled by order of the Court on the ground of fraud, the Comptroller of Patents may, on the application of the true inventor made in due form, grant him a patent in lieu of and bearing the date of the revocation of the fraudulent patent; but the new patent will be only issued for the remainder of the term for which the revoked patent was granted, and it is somewhat doubtful whether such patent will be valid, as the invention will have been published before its date. We think, however, the courts will hold that the new patent will hold good against any publication which has taken place since the date of the revoked patent.

This clause is construed not to apply to inventors resident abroad taking out patents as communications. In a case where A. in New York had invented a machine in 1886, and in 1887 B. entered his employ, saw the machine, and forwarded the particulars to C., a British Patent Agent, who took it out as a communication from B., the day before D., another Patent Agent, applied for it as a communication from A., it was decided that as A. and D. could not prove that C. (the agent) had obtained the invention dishonestly, the latter was the "true inventor" and the fraud committed by B., the communicator abroad, was immaterial to the case.

Also in a case where B., a person abroad, was shown to have stolen the invention from a subsequent applicant, also resident abroad, the officials allowed the patent to the first applicant on the ground that they cannot take cognisance of a fraud committed outside the realm.

Sealing.

If no opposition be entered, or the case be decided in favour of the applicant, the patent is passed for sealing with the Seal of the Patent Office, and if sealed is dated as of the day of the original application, except in the case mentioned under the heads, "First and Second Examination."

It will not be sealed, however, except on formal application and payment of the Sealing fees. The cost of this step is £1 10*s.*

Where the sealing is delayed by an appeal to the Law Officer, or by opposition to the grant of the patent, the patent may be sealed at such time as the Law Officer may direct, otherwise it must be sealed within twelve months (or fifteen months where the time for accepting the final specification has been officially extended) of the date of application, or it is void.

Saving and except that if the person making the application dies before the expiration of fifteen months from the date of application, the patent may be granted to his legal representatives, and sealed at any time within twelve months after the death of the applicant.

Cost of British Patents.

This varies necessarily with the complexity of the invention.

Provisional protection for nine months is usually £3 3*s.* to £4 4*s.*; complete specification, exclusive of cost of drawings, £8 8*s.* to £12 12.; or complete protection at start £10 10*s.* to £14 14*s.* Drawings, draughtsman's time, at from 1*s.* to 2*s.* 6*d.* an hour, according as it is copying or designing. Argument and amendment before the examiner £1 upwards; appealing from the decision of an examiner

including personal hearing before the Comptroller £3 upwards.

Sealing patent, £1 10*s.*

These charges include everything except fighting oppositions and appeals, which only occurred before the examination system was introduced about one time in sixty.

The cost of oppositions varies very greatly, some going as low as three or four pounds, others amounting to a hundred or two; average cost about £20, and rarely going above £50.

Cost of appeals to the Law Officer are from £10 10*s.*, and £3 3*s.* to (in rare cases) £10 10*s.* are usually awarded to the winning party as costs, to be paid by the loser.

Subsequent Taxes.

A patent once sealed and issued is free from all further payment or formalities until the end of the fourth year, at and after which period the following stamp duties or taxes are payable, or the patent becomes void:—

Before the end of	4th	year	...	...	£5
,, ,,	5th	,,	...	...	£6
,, ,,	6th	,,	...	...	£7
,, ,,	7th	,,	...	...	£8
,, ,,	8th	,,	...	...	£9
,, ,,	9th	,,	...	...	£10
,, ,,	10th	,,	...	...	£11
,, ,,	11th	,,	...	...	£12
,, ,,	12th	,,	...	...	£13
,, ,,	13th	,,	...	...	£14

The agency fee for attending to the payment of these taxes is usually 10*s.* 6*d.*

One or more of all these duties can be paid at once

in advance, if desired, and in some instances, when selling a foreign patent dependent for its existence on the continuance of the English patent, the purchaser requires that the English annual taxes shall be paid up in full.

If, by accident, mistake, or inadvertence an inventor fails in the payment of any of these taxes as they become due, the Comptroller, on its being proved to his satisfaction that the omission was unintentional, may grant a prolongation of the time for paying the tax—not exceeding three months—an additional penalty being imposed, however, in such cases of £1 10*s.* for one month's extension, or £3 10*s.* for two months', or £5 10*s.* for three months', including costs. The patentee is debarred from obtaining damages for infringements committed within such prolonged time, and prior to the actual payment of the tax.

PROLONGATION.

At the expiration of fourteen years from the date of application, the invention becomes public property, unless the inventor can obtain a prolongation of his patent from the Judicial Committee of the Privy Council. This can sometimes be obtained if the invention be a very important one, and the inventor has used due exertion in working it, has not received a fair and reasonable profit for its use, and still has an interest in the patent.

The application has, however, to be made at least six months before the expiration of the period for which the patent was granted, and must be duly advertised, and the applicant must be prepared with elaborate statements of accounts and proof of their correctness. Any profits obtained by the applicant on foreign patents for the same invention should also be

set forth. Any interested party can oppose the grant of such extension, and the Privy Council has power to grant costs to either party. The cost of this application is usually considerable, even in unopposed cases, amounting to from £300 to £400.

Disclaimers and Amendments.

It very frequently happens that something has been claimed in the specification that was unpatentable, or without utility, or utterly unworkable, or which was in public use, or published in this country before the date of application; or there is some error, obscurity, or want of sufficient information in the specification that would make it difficult or impossible for an ordinary workman of the trade to which the invention relates to manufacture from the description alone.

Such a defect makes the whole patent null and void at law. When, therefore, a patentee finds such a flaw, he should immediately apply for leave to amend his specification, including, if necessary, the drawings forming part thereof, by way of disclaimer, correction, or explanation, stating the nature of such amendment and his reasons for the same.

The request and the nature of such proposed amendment must then be duly advertised in the prescribed manner, and at any time within one month from its first advertisement any interested person may give notice at the Patent Office of opposition to the amendments.

Where such notice is given, the Comptroller gives notice of the opposition to the person making the request, and he hears both parties (or if there be no opposition he examines the documents, and if necessary he hears the applicant), and then decrees whether, and subject to what conditions, if any, the amendment

shall be allowed, subject to an appeal to the Law Officer.

The Law Officer, when appealed to, hears the applicant and opponent, if any, if in his opinion the latter be entitled to be heard in opposition, and ratifies, alters, or reverses the decision of the Comptroller as he may consider just, with or without costs.

If the appeal be by an unopposed applicant against the decision of the Comptroller, the Law Officer hears both the applicant and the Comptroller, and from his decision there is no appeal.

In case of a disclaimer the judge cannot grant damages for infringements prior to the date of the disclaimer unless he is satisfied that the original specification was drawn "in good faith and with reasonable skill and knowledge," and it is very rarely that a judge is satisfied of this when a disclaimer has been made.

No amendment can be allowed that would make the specification, as amended, claim an invention substantially larger than or substantially different from the invention claimed by the specification as it stood before amendment.

An amendment, too, which will reduce a patent from a large field of invention down to some insignificant detail in that field is generally refused. Thus where a man claimed an improved process of and apparatus for canning meats, and it was shown that the entire apparatus and process was old except a special arrangement of lid, a patent was refused for the latter though a new part of the original invention.

Leave to amend is conclusive as to the right of the party to make the amendment allowed, except in case of fraud; and the amendment, in all courts and for all purposes, is deemed to form part of the specification.

The foregoing provisions for disclaiming do not

apply when and so long as any action for infringement or other legal proceeding in relation to a patent is pending.

In an action for infringement of a patent, and in a proceeding for revocation of a patent, the court or a judge may order that the patentee shall, subject to such terms as to costs and otherwise as the court or a judge may impose, be allowed to disclaim for the purpose of such action any part of the invention specified in such order, and give the disclaimer in evidence.

This clause is, however, of little use, as the judges almost invariably make it a condition of allowing the disclaimer that all the costs of the action up to that date be paid by the patentee. As, too, the disclaimer is restricted in this case to the actual matter at issue, it is generally best, if a disclaimer be necessary, to abandon the action, pay the costs, make the disclaimer, and commence a fresh action.

Cost of amendment (unopposed) is usually about £13.

Printed Copies.

Printed copies of the specifications and drawings (with disclaimers if there be any) of all British patents still in force (but not of abandoned provisional specifications of later date than 1883) can be obtained at 1*s.* each, including postage. Copies of all patents were formerly kept in stock, but latterly all but a limited number of copies of each specification were ordered to be destroyed; and now it is impossible to obtain printed copies of many of the early patents, especially those that are of value and in demand, except by ordering six copies, in which case the Government will usually reprint and supply them in a few days' time.

COMPULSORY LICENSES.

It having been found that many patents taken out in this country by foreigners, were held without being worked to the great disadvantage of English trade (the patented invention being made abroad and imported), it has been enacted :—

(1) Any person interested can petition the Board of Trade, alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied, and praying for the grant of a compulsory license, or in the alternative the revocation of the patent.

(2) The Board of Trade shall consider the petition, and if the parties cannot come to an arrangement between themselves, it shall, if satisfied that a reasonable case has been made out, refer the petition to the Judicial Committee of the Privy Council, or, if satisfied that there is no reasonable case, dismiss the petition.

(3) The Judicial Committee (a most expensive Court), after hearing the parties, can order the patentee to grant licenses on such terms as they may consider just, or, if convinced that this will not satisfy the reasonable demands of the public, can revoke the patent altogether. If, in hearing the petition, it be proved that the patent is worked, or the patented article manufactured, wholly or mainly outside the United Kingdom, this will be taken into consideration against the patentee, and the onus will rest with the latter to prove that the reasonable requirements of the public have been satisfied, or an order for a compulsory license or for a revocation of the patent will be made.

(4) But in all cases no order of revocation of a patent can be made within the three years of the date of the patent, or so long as the patentee gives satis-

factory reasons for his default. Costs can be awarded by the Committee, and its rulings can be enforced by the High Court of Justice.

RIGHTS OF THE CROWN.

The Crown has also the right of using the invention, on terms agreed upon between the inventor and Government officials, ratified by the Treasury; or (if no satisfactory agreement can be come to) on such terms as the Treasury shall decide to be just. The Treasury hitherto has proved remarkably liberal to inventors whose patents it has taken up.

INTERNATIONAL PROTECTION.

An International Convention for the Protection of Industrial Property exists between the following countries, viz. :—Great Britain, Australia, Belgium, Brazil, Curacoa and Surinam, Denmark, France, Gambia, Germany, Italy, Malta, New Zealand, Norway, Portugal, San Domingo, Spain, Southern Nigeria, Sweden, Switzerland, Tunis and the United States. A simllar treatise exists between Great Britain on the one side, and each of the following States on the other, viz. :—Mexico, Paraguay and Uruguay, as regards patent trademarks and designs, and Ecuador, Greece and Roumania, as regards designs and trademarks only.

An application for a patent in the United Kingdom or any other state of the Union, provided no previous patent has been applied for in another country, procures to residents or to persons having industrial commercial establishments here, or in any other State of the Union, protection for twelve months in the rest of the Union. This period of protection begins

with the date on which the applicant lodged his application for the patent, and not from the date of the acceptance, and foreign patents should be applied for before the lapse of this protection.

The complete application here must be made in the case of patents (with a special form), within twelve months of the application abroad, and in the case of designs and trademarks within four months of the application abroad, if right of priority is required.

NOVELTY.

An invention to be patentable must be unknown to the public in the United Kingdom at the date of application. It may, however, have been publicly known and used in foreign countries or colonies at the date of application. The word application here means application for provisional or complete protection in the United Kingdom, or the application for a patent in any of the countries of the Union for the Protection of Industrial Property previously described (see page 29), if followed by a British application, in a specified form, within twelve months. The sale or public exhibition of the invention in any portion of the British Isles, or a complete and accurate description of it in a journal or book, printed or circulating in the kingdom before the "date of application," would invalidate a patent. Copies of the specifications and drawings of American and of some continental patents are now forwarded to the British Patent Office Library, where they are open to free inspection. This constitutes a legal publication, though they may not have been examined by the public. If, however, the invention be not so sufficiently described as to enable a man, skilled in the line of business to which it relates, to work it successfully without experiments or inven-

tion on his part, such a partial or defective publication will not invalidate a patent afterwards applied for.

The possessor of an invention, specimens of which he had sold or used publicly, or exposed for sale before being protected by an application for a patent at home (or abroad under the circumstances above set forth on page 29), cannot validly patent it; nor can any one obtain a sound patent for a process which he has already used secretly for a period of years, and sold the produce thereof in the realm.

Experimenting on the invention before patenting, if every reasonable precaution has been taken to keep it secret, and the working has not been for profit, does not invalidate a patent afterwards obtained. Thus it was decided that where a machine for laying cables had been used for laying a single cable to America, and, proving a great success, was patented on the return of the ship, there had been only an experimental use insufficient to entail the invalidity of the patent, it being impossible to ascertain whether it could usefully perform its work without a trial. On the other hand, the use of a newly invented crane for five months in the owner's yard, which was open to the railway and to the view of customers calling on business, was held to be a publication; as five months was far more than sufficient time to test it, and the continued use was to profit, and not for the purposes of experiment.

The prior existence of an invention, which, if it had been made subsequent to the date of the patent, would be considered a clumsy colourable imitation for the purpose of effecting the same result, does not invalidate the patent by anticipation.

Similarly a prior unsuccessful and abandoned experiment by a third party, even though it embrace all the principles of the invention, is not sufficient

to invalidate the patent afterwards obtained. The imperfect publication of an invention in an abandoned specification of a third party has been held not to invalidate a subsequent patent for the same invention; and in order to prevent abandoned provisional specifications from interfering any more with subsequent applications, and for other reasons, a short Act was passed in 1885 requiring the Comptroller to keep such specifications secret from that date. This Act practically cuts off from the public all abandoned provisional specifications entered under the Act of 1883, as very few of these were published at the time of the passing of the said Act.

An invention that has been registered as a design, or a specimen of which has been sold in the realm, cannot be validly patented.

UTILITY.

In order that a patent may be sustained, it is essential that it should be useful; but this point, though usually all-important as regards its value to the inventor, is never investigated by the officials when examining an application with a view to granting a patent.

EXHIBITIONS.

The exhibition of an unpatented invention at an industrial or international exhibition, certified as such by the Board of Trade, or the publication of the invention during the period of the holding of the exhibition, or use of the invention by others elsewhere without the knowledge or consent of the inventor during the period of exhibition, will not invalidate the subsequent patent, provided the inventor, previous to exhibiting, gives due notice at the Patent Office of his intention to so exhibit, and provided he applies

for a patent within six months of the date of opening the exhibition. As, however, Provisional Protection is now so very cheap, and expensive litigation might result before the inventor obtained his rights, if another applied for a patent during the period of exhibition and prior to patenting by the original inventor, this clause in the law is of very doubtful advantage.

PENALTIES.

Where any person claiming to be the patentee of an invention, by circulars, advertisements, or otherwise, threatens another person with legal proceedings in respect of any alleged infringement of the patent, any person or persons aggrieved thereby may bring an action against him, and may obtain an injunction against the continuance of such threats, and may recover such damage (if any) as may have been sustained thereby, if the alleged infringement to which the threats related was not in fact an infringement of any legal rights of the person making such threats. This section does not apply if the person making such threats commences and prosecutes, with due diligence, an action for infringement of his patent.

Any person who represents that any article sold by him is a patented article, when no patent has been granted for the same, or describes any design or trade-mark applied to any article sold by him as registered which is not so, is liable for every offence on summary conviction to a fine not exceeding five pounds. This enactment has been held to apply even in cases where the article was at the time provisionally protected.

In such latter case, however, the article can be marked "Provisionally Protected," "Protected under the Patent Act," or "Patent Applied For."

If too a person marks articles as patented for

which he has only obtained provisional protection, he risks the chance of losing costs in subsequent actions for infringement which he may bring; the infringer making the plea that, seeing the word patent on the articles falsely placed thereon during provisional protection, he had made a search and ascertained that it was not then patented, and when afterwards warned that he was infringing the patent, he took no notice, believing the warning to be as false as the original marking was. This is a good defence.

A person is deemed to represent that an article is patented, or a design or a trade mark is registered, if he sells the article with the word "patent," "patented," "registered," or any word or words expressing or implying that a patent or registration has been obtained for the article, stamped, engraved, or impressed on, or otherwise applied to the article.

SEARCHING.

It is frequently requisite to examine the records to see if an invention has been previously patented or is an infringement of an existing patent.

The cost of a search varies according to the nature of the subject. A range of from two to ten guineas, however, should cover an ordinary case, as far as prior British patents are concerned. Inventions for heating, for steam-engines or boilers, guns, sewing-machines, looms, spinning and electrical appliances, are usually the most troublesome to search through, often taking, with the ordinary published indices only, a fortnight's hard work, and even with the most complete set of additional manuscript indices, a very considerable time. In all the larger cities and towns in the British Isles complete sets of the British patent specifications, from the earliest times to the

present date, are kept on file at public libraries, so that inventors and manufacturers may make their own searches; and should they have the requisite leisure and ability, this is decidedly the best course to pursue. When making a search, the inventor should make a record of the numbers and dates of all patents bordering on the invention. This information will be found invaluable when drawing up the final specification. In many cases the best and cheapest way of making a search is to apply for a United States patent. The American Examiners search through the English, French, Swiss, and German patents as well as the American, and also through standard text-books. If a patent has already been granted in America for the invention, we can always get a copy of the examiner's original report on the novelty of the invention.

Of course, now, the fact that an English patent is granted (after examination) without reference to prior patents, is proof that in the opinion of the examiner its claims are not found covered by any patents of the previous fifty years.

REVOCATION OF PATENTS.

Any person interested in having a patent revoked or cancelled can bring an action for this purpose.

A patent can be revoked, and a defence for an infringement set up, on any one or more of the following grounds:—

That none of the patentees were the true and first inventors.

That they obtained a material portion of the invention from others.

That the invention was not new at the date of the patent.

That the subject-matter was not patentable.

That the patentee or patentees did not specify the best mode known to him or them of carrying out the invention; or that he or they inserted or kept back any part or matter with intention to deceive; or that the specification does not sufficiently describe the invention, so that a person of ordinary understanding, skill, and knowledge in the trade to which it relates, could work it without further information or experiment.

An action for revocation of a patent may be instituted by:—

(1) The Attorney-General in England or Ireland, or the Lord Advocate in Scotland, or any person authorised by one of these officials.

(2) Any person alleging that the patent was obtained in fraud of his rights, or of the rights of any person under or through whom he claims.

(3) Any person alleging that he or any person under or through whom he claims was the true inventor of any invention included in the claim of the patent.

(4) Any person alleging that he or any person under or through whom he claims an interest in any trade, business, or manufacture had publicly manufactured, used, or sold, within this realm, before the date of the patent, anything claimed by the patentee as his invention.

In an action for a revocation of a patent the plaintiff, that is, the person seeking to upset the patent, must deliver particulars beforehand of the objections and evidence on which he means to rely. These particulars can be amended only by order of the court or a judge, and no evidence can be brought forward against the patent at the trial, except what relates to the particulars previously delivered.

If the patentee find from the particulars of objections that his patent specification contains claims that are old, or a part or parts that are bad at law, he

can, by order of a court or judge, enter a disclaimer, as already described (the legal proceedings being suspended meanwhile), and put in that disclaimer as evidence in his defence in the action instituted to revoke his patent.

The defendant (owner of the patent) is entitled to begin, and give evidence at the hearing in support of the patent, and also to reply, if the plaintiff gives evidence against the validity of the patent.

Where a patent has been revoked on the ground of fraud, the Comptroller may, on the application of the true inventor, grant to him a patent in lieu of and bearing the same date as the date of revocation of the patent so revoked, but the patent so granted shall cease on the expiration of the term for which the revoked patent was granted. Such a patent would be of doubtful validity, as publication of the invention would have taken place before its date.

INFRINGEMENTS OF PATENTS.

In case of infringement, before taking any action, the patentee should inquire thoroughly into the validity of the patent, and ascertain to the best of his ability whether the act complained of be really an infringement of it. The advice of a good Patent Agent on these points is of the highest importance.

If the infringement be real, the matter should be placed in the hands of a solicitor well versed in such practice.

Should the patentee, after applying for an injunction, make affidavit that he verily believes that his patent is valid, and is being infringed in a certain factory, and can give reasonable grounds for his belief, the court will grant an order for a single inspection of the works, but not, as a rule, of the books of the suspected infringer, to see whether

the suspicion be correct. It will also compel the suspected party to answer under oath all reasonable interrogatories asked by the patentee as to the supposed infringement.

The infringement, even though unintentional, being proved, the court can assess damages and decree costs, and further, will grant a perpetual injunction against the defendant continuing the infringement, on pain of fine and imprisonment. The decision can also be cited in applying for an "interim injunction," against other parties.

The court may, prior to the action, grant an "interim injunction" forbidding the infringer from continuing the use or manufacture of the patented invention, under pain of fine and imprisonment, until the trial be decided. This power, however, is at the discretion of the court, and is rarely made use of, except where the infringement is recent, the patent of long standing, and the application has been made immediately after the infringement has been discovered.

Should the alleged infringer dispute the validity of the patent, or his infringement of it, the court, instead of granting the interim injunction, may order the infringer to keep careful accounts while the suit is pending of all articles manufactured, so that damages may more easily be assessed in case of conviction.

The patentee can be obliged to produce his letters patent in court, or lose his suit.

The court may order all matters of account to be decided by arbitration.

LEGAL PROCEEDINGS.

In an action or proceeding for infringement or revocation of a patent, the court may if it thinks fit,

and must, on the request of either of the parties to the proceeding, call in the aid of an assessor specially qualified, and try and hear the case wholly or partially with his assistance; the action is tried without a jury unless the court otherwise direct.

The Court of Appeal or the Judicial Committee of the Privy Council may, if they see fit, in any proceeding before them respectively, call in the aid of a specially qualified assessor.

The remuneration, if any, paid to the assessor, is determined by the court or the Court of Appeal or Judicial Committee, as the case may be, and is paid by Government, and forms no part of the costs of the action.

In an action for infringement of a patent the plaintiff (the owner of the patent) must deliver with his statement of claim, or, by order of the court or the judge, at any subsequent time, particulars of the infringements complained of.

The defendant (the person accused of infringing) must deliver with his statement of defence, or, by order of the court or a judge, at any subsequent time, particulars of any objections on which he relies in support of his case.

If the defendant disputes the validity of the patent, the particulars delivered by him must state on what grounds he disputes it, and if one of the grounds be want of novelty, must state the time and place of the previous publication or "user" alleged by him.

At the hearing no evidence can, except by leave of the court or a judge, be admitted in proof of any alleged infringement or objection of which particulars were not so delivered.

Particulars delivered may be from time to time amended, by leave of the court or a judge, but in such case the payment of costs of the opposite party

up to that date is frequently a condition of leave to amend.

In an action for infringement of a patent, the court or a judge may certify that the validity of the patent came in question; and if the court or a judge so certifies, then, in any subsequent action for infringement, the plaintiff in that action, on obtaining a final order or judgment in his favour, shall have his full costs, charges, and expenses "as between solicitor and client," unless the court or judge trying the action certifies that he ought not to have the same.

On taxation of costs, regard will be had to the particulars delivered by the plaintiff and by the defendant; and they respectively cannot be allowed any costs in respect of any particular delivered by them, unless the same be certified by the court or a judge to have been proven, or to have been reasonable and proper, without regard to the general costs of the case.

LICENSES AND ASSIGNMENTS.

A patentee can assign his patent in whole or in part, not only as regards its duration, but also its subject-matter and its territorial limits. But a patentee assigning any (say one-hundredth) part of a patent, unless there be a special agreement in writing, is giving the assignee in every respect an equal share with himself in the invention and patent, as they are simply co-owners of the patent. A patentee can grant licenses to use this patent on royalty, either exclusive or concurrent, and over the whole or only some part of the United Kingdom.

All licenses and assignments must be stamped, and must be registered in the Register of Patents in London; and copies of entries in this register, duly certified by the officials, are *primâ facie* evidence in

court of the facts therein set forth, only controvertible by direct proof of their incorrectness.

Copies of this register are open to the public in London, Edinburgh, and Dublin, on payment of a small fee, but the want of an index to the Dublin copy renders it of little use. Copies of any particular entry can also always be obtained from the department at the cost of making them.

In licensing an invention to a manufacturer, the patentee should take care to guard himself on the following points:—(1st) He should have quarterly statements of the number or quantity of the patented article manufactured, and of their destinations, and should have the right of requiring the licensee to certify to the correctness of his returns under oath by statutory declaration. (2nd) A right of inspection of the books and works of the licensee. (3rd) All machines manufactured under the patent should be numbered with consecutive numbers, and be stamped with the inventor's name or trade-mark, and the word "Patent." To unlawfully affix these, subjects the offender to a fine of £5 for each offence. (4th) The patentee should either have a part of the royalties in advance, or a guarantee of a certain minimum royalty each quarter, so as to make it to the interest of the licensee not to let the patent lie idle.

On the other hand, the licensee should have the following protective covenants in his license:—(1st) That all further improvements in the said invention made by the patentee, or his other licensees, shall be considered as included in his license (he also should agree to reciprocate in this matter). (2nd) That all disputes hereafter on the meaning or intention of the license shall be put to arbitration in a given way, and the award of the arbitrator be made a rule of court by either party. (3rd) That the licensee shall

be allowed to sue in the name of the patentee in cases of infringement (this is not so important since the present Judicature Act came into force). (4th) That the patentee shall maintain the patent by paying the stamp duties as they become due.

A person while a licensee of a patent cannot successfully plead the invalidity of that patent as a ground for refusing to pay royalty, except in a case of an action for revocation.

If in a license it be stated that, unless a certain minimum royalty be paid yearly, the license can be cancelled by the patentee, and if for one or more years the patentee accepts a less royalty, he cannot afterwards cancel the license on the ground that the minimum royalty stipulated has not been paid, his having accepted the smaller royalty being held to be equivalent to cancelling this particular clause in the license.

HOW TO SELL A PATENT.

Brokers of stocks and shares, houses and land, cotton, sugar, etc., abound, yet there is hardly a single firm in the world who are really brokers of patents. The inventor who has not sufficient leisure or capital to work his own invention, has therefore usually to do his patent brokering himself. How should he go about it?

(1) Go to the greatest centre of the particular industry where that business is carried on with which the invention is most nearly connected. (2) If the invention be for a small object, get some specimens made and finished in the most pleasing style. (3) Issue a neatly *printed* prospectus. Many inventors start on their travels with a coarse, broken-down model, showing defects rather than virtues, or a dirty, ill-got-up drawing, whose very appearance is enough

to set the capitalist at first sight against it; whereas a pretty working model, showing the actual performance, and a nicely printed explanation, are prepossessing, and tend to carry conviction with them. It is often very desirable to have the invention well illustrated in the technical journals before offering it for sale, but great care should be taken to secure its appearance in journals of high standing and large circulation, as these will not usually insert it after it has appeared in the smaller fry. (4) If, as is usually the wisest plan, the inventor wishes to still retain an interest in and assist in introducing his invention, a limited company, with the patentee as managing director, is frequently his best resource. It is far easier to sell a thousand shares in a patent at £10 each, than the whole for £10,000. The main business is to get a few good names as directors, and the rest is comparatively easy if the invention has already come into successful use. Until this latter is made evident, it is utterly useless to attempt to float a company to purchase a patent. A small syndicate can frequently be formed to prove an invention first.

CAUTION TO INVESTORS IN PATENTS.

The ease, however, with which limited companies can be raised to purchase and work patents, has given a handle to sundry unscrupulous adventurers to palm off on the public numerous patents, good, bad, and indifferent, at prices enormously exceeding their real value.

Nothing is easier than to get glowing testimonials for the most worthless invention, and capitalists, before investing in any patent, would do well to refer to a responsible Patent Agent, to discover by an examination and search whether it be really valid.

A minority only of the patents taken out under any circumstances are sound at law; and many even of these have nothing like their *apparent* value, from being hedged round by others with conflicting claims.

Yet, almost smothered under this enormous load of worthless patents, there are numbers continually brought out by poor and obscure men, any of which, taken up by a capitalist on the very liberal terms usually offered, would, properly worked, form a very handsome addition to even a princely income. It is well worth the consideration of those who are continually investing in foreign loans, mines, railways, etc., whether it would not pay them vastly better to take some poor but clever inventor by the hand, and, while thus encouraging trades and manufactures at home, employ their capital where it is constantly under their immediate inspection and control. Whether for safe and good paying investments, or for really brilliant speculations, there is probably no field left the capitalist to be at all compared in richness with that of carrying out patented inventions.

HOW TO SAFELY INVEST IN PATENTS.

Probably far more money is made by non-inventors investing in patents than by patentees. The Author has known many instances of men without any inventive faculty making fortunes in a very few years by investing in patents. This is not so often done by paying largely for a single promising patent and then working it, as by spreading their investments over several ventures—finding capital and business talent for clever but needy, or unbusiness-like, inventors, demonstrating the success of the inventions, and then negotiating their sale, receiving as a recompense a share of the net returns, varying from 25

to 75 per cent. One very successful plan is to find a patentee with a very valuable invention, whose entire resources are utilised in working the patent in the country of its birth. The capitalist offers to patent it abroad and negotiate the sale, giving the inventor from 25 to 50 per cent. of the net returns. As a rule he jumps at the offer.

We have very frequently known the foreign patents of inventions worth many thousands of pounds per annum in the country of their birth almost given away. It is this international patent dealing that is, as a rule, the most profitable; yet it is a field almost untilled. As the Author's firm has, with possibly one exception, the largest American and foreign connection of any in this country, he has unbounded opportunities of seeing the great opening there is in this line. His firm receives from abroad to patent in this country and the Continent several hundreds of valuable inventions per annum. In many of these cases the inventions can be obtained—some as soon as they are protected, others when the inventor gets tired of holding them—for a tithe of their value, their owners not having the leisure to work them themselves in other countries than their own. This is the case also with British inventions abroad.

Again, for every invention really valuable in the country of its birth that is patented abroad, twenty are taken out in one country only, and for this reason: the inventors know the difficulty of *their* selling their foreign patents and attending to their home ones at the same time. But if they could hear through their Patent Agents of individuals or *syndicates* willing and able to take up or dispose of patents in other countries, they would either patent abroad or sell their foreign rights at very reasonable rates, to the advantageous development of trade all over the world.

Syndicates are mentioned above. For small capitalists, or men not having the leisure to work or negotiate the sale of patents, but with money to invest in them, the joining of a syndicate to engage in this traffic is frequently a very good thing. These syndicates, if properly managed, are very lucrative affairs. We do not mean to say they are usually successful in all their ventures—the cleverest of them fail in doing any good with some of their ventures—but if the risks are small, taken with due professional advice, and spread over a considerable number of patents (not all their eggs put in one basket), they are almost certain of a most lucrative business. The Author and his firm make it a point of business to keep themselves acquainted with the character and antecedents of all companies or syndicates professing to deal in patents, and can generally assist inventors materially. Another way in which patent speculators have succeeded, especially in America, is to buy up or obtain a large interest in one or more patents, and, instead of selling them out and out in lump sums, to go round the country or engage smaller men to travel on commission, selling "shop-rights" and territorial rights—that is, the right of working the invention in a given manufactory only, or the exclusive rights to work the invention in a given town, city, country, or district.

A useful practice of some of these syndicates confining themselves to one branch of trade, is to order of a Patent Agent copies of all the British, American, German, and other printed specifications on their particular subject. These can be obtained, when all of one particular class are ordered, in the case of British specifications, at one shilling each; Americans at sixpence each; and German, three shillings each, including agent's charge for picking out and ordering them; and will be found invaluable in investigating

into the validity and value of patents, and also as a prompt introduction to new inventions that it may be valuable for them to negotiate for.

Many of the most thriving and progressive manufacturing firms in this country and in the United States also adopt this plan, with very great advantage to their business, and we have rarely known a client who has once adopted it ever give it up again—they find it too valuable.

It is a remarkable fact, too, that nearly all the great industrial houses in this country, on the Continent, and even in America, attribute their success to the taking up of some one or more patents; and probably not in one instance in three were any of the partners in the firm the original patentees, but were only the purchasers of the patents thus worked. They purchased or licensed them, often at a very small cost, from the original patentees.

We are always glad to assist investors in obtaining good patents, as by so doing we can benefit not merely the investor, but the client also who has employed us to secure the invention. In investing in a patent, however, great caution is requisite. First of all, the question of its validity should be thoroughly gone into; secondly, the patent records should be searched and full inquiry made, to ascertain whether the invention be really the best device for the purpose, and not covered by prior patents.

REGISTRATION OF DESIGNS.

Any person, the proprietor of a design not previously published in the United Kingdom, can protect the same by registration for five years. Any design applicable to any article of manufacture, or to any substance natural or artificial, or partly natural and partly artificial, whether the novelty be in the general shape

or pattern, or the ornamentation (or two or all of these), and whether it be formed by printing, painting, embroidery, weaving, sewing, modelling, casting, engraving, or otherwise, can be thus protected. Sculpture is, however, protected without registration under the Sculpture Copyright Act, 1814. The Comptroller has the power of refusing to register a design, subject to appeal to the Board of Trade, and where a principle of mechanics is sought to be protected under the designs registration, he is very apt to refuse registration. With every registration a special number is given to the proprietor, and he is bound to mark all articles made in accordance with the registered design with the word "Rd." or "Regd." and said number, or, if the nature of the article forbids such marking, then he must mark the package—and if he does not do so the copyright of the design ceases, unless he shows that he took all proper steps to ensure the marking of the article. During its five years of copyright, the registered design is not open to inspection of the public—except by special order (in each specific case) from the proprietor of the design, or from the Comptroller, or from a court of law; but after the expiration of the five years it can be inspected at the Patent Office, and copies made for a prescribed fee. If, however, any one during the period of copyright wishes to know whether a particular design has been registered under a given number for a given class of goods, or by a given person at a given day, he can obtain this information for a prescribed fee. If a registered design be used in any foreign country, and is not used in this country within six months of the date of registration, the copyright in the design ceases. A register of proprietors of designs is kept at the Patent Office, and all assignments, changes of address, or licenses can be recorded therein for a prescribed fee —such registration is *primâ facie* evidence of owner-

ship. The rule applicable to patents, in the case of International Exhibitions, set forth on page 32, is equally applicable to designs.

Any person who during the continuance of copyright in a design—without the consent of the proprietor—applies the design, or any fraudulent or obvious imitation thereof, to any article or substance in the class in which the design is registered, or publishes or exposes for sale, or sells such article or substance, with such design, knowing that the same has been applied without the consent of the registered proprietor, is liable, *for each offence*, to forfeit the sum of £5o to the registered proprietor of the design, who may recover such sum, as a simple contract debt, by action in any court of competent jurisdiction. Or in lieu of this, the proprietor of the design can enter an action for damages, and obtain an injunction as in the case of patent infringement.

Goods are divided into fourteen classes, and a separate registration is required for each class in which it is desired to secure the design; and in case of doubt in which class a design ought to be registered, the Comptroller may decide the question.

The classes are arranged according to the material of which the goods are chiefly or wholly composed as follows:—

1st Class, metals, not gold, silver, plated goods, or jewellery.

2nd Class, jewellery, gold, silver, and plated goods.

3rd Class, vegetable or animal solid substances.

4th Class, glass, clay goods, earthenware, cement, and other mineral non-metallic solid substances.

5th Class, paper, except paper-hangings.

6th Class, leather, book-binding materials.

7th Class, paper-hangings.

8th Class, carpets, rugs, floorcloths, oilcloths.

9th Class, lace and hosiery.

10th Class, millinery, wearing apparel, boots, hats.

11th Class, ornamental needlework on textile fabrics.

12th Class, goods not included in other classes.

13th Class, printed or woven designs on textile piece goods.

14th Class, printed or woven designs on handkerchiefs, shawls, and towels.

The cost in each of the first twelve classes, when four representations of the design are furnished to us on paper, is £1 1*s.*, or in the case of a mechanical contrivance, or set of articles such as chessmen, about £2 10*s.* including drawings. For registering a single printed or woven pattern or design in lace or in Class 13 or 14, the cost is 7*s.* 6*d.*; for a number of series of six or more the cost is 5*s.* each.

"PATENT MEDICINES."

It is customary to style all proprietary medicines "patent medicines" though they are rarely the subject of a patent. It is indeed hardly ever desirable to patent a medicine, as a mere prescription cannot validly be patented, but patenting it simply explains its manufacture for the benefit of imitators. The best mode of protecting a medicine is to get a distinctive name, and register that name as a trade-mark.

Proprietary medicines must bear a Government medicine stamp on every package or bottle, the price of which stamp is 1½*d.* for 1*s.* of the selling value, 3*d.* for 2*s.* 6*d.*, 6*d.* for 4*s.*, and more for higher prices, while the seller must be the holder of a license. This license costs 5*s.* a year. The Government stamp does not convey a right in the nature of a patent, but is a duty imposed by law on these proprietary medicines or specifics.

The stamps for denoting these duties can be obtained on application, but when the proprietor of the medicine desires to vend it under Stamp Duty Labels specially appropriated to himself and having his name or other particulars thereupon, it is necessary to have a plate specially engraved for printing such stamps. The cost of engraving an appropriated medicine stamp plate is about £8. Such appropriated labels are only supplied to the person for whose use and at whose cost the plate from which they are printed was prepared, or to his authorised agent. The penalty for infringement is £10 for every case.

REGISTRATION OF TRADE MARKS.

There are few things of more value to the merchant or manufacturer than the *exclusive* right to the use of a trade mark, by means of which his goods are at once recognised, even where no name appears upon them. The name of a firm can be imitated so nearly as to be calculated to deceive—or even adopted altogether by others of the same surname, and the firm has usually no redress—but the fraudulent imitating of a validly registered trade mark is a criminal as well as a civil offence. The necessity for valid registration, however, is not sufficiently realised by many until they discover their marks pirated by unscrupulous rivals. Then when they come to register them, they too often find that their marks are not registerable, or perhaps already registered by their rivals.

All traders who use trade marks or names to distinguish their goods should be careful only to adopt such as are registerable under the latest Acts of Parliament, as construed by the courts, and should

have such marks registered as soon as adopted, and before any great amount of expense has been incurred in advertising them or in bringing them before the public. By adopting this course a large amount of annoyance and expense will often be saved, and the proprietor will have the satisfaction of knowing that he has an indefeasible right to his distinguishing mark or name.

No person has any exclusive right to the use of a trade mark, nor can he take any steps to prevent infringement or piracy until the trade mark is registered, except in certain cases where he has had a long undisturbed exclusive use of the mark, and he establishes his rights under common law. It is very unsafe, however, to trust to this protection in the case of a mark that is registerable.

WHAT CAN AND CANNOT BE REGISTERED.

What can be Registered.

(1) "A name of an individual (or of a firm, if its name contains a surname), printed, impressed, or woven in some particular and distinctive manner"; or

(2) "A written signature or copy of a written signature, of an individual or firm, applying for registration thereof as a trade mark": or

(3) "A distinctive device, mark, brand, heading, label, or ticket"; or

(4) "An invented word or invented words"; or

(5) "A word or words having no reference to the character or the quality of the goods, and not being a geographical name." (To any of these may be added any letters, words, or figures, or combination of letters, words, or figures; but the applicant for registration must state in his application the essential particulars of the trade mark, and must disclaim

any right to the exclusive use of the added matter, except his own name and address.)

(6) "Any special and distinctive word or words, letter, figure, or combination of letters or figures used as a trade mark before the 13th day of August, 1875."

The words "Invented word" have been of late much more liberally interpreted than formerly. Now any word not in actual use in any well known language is held to be an invented word, unless it be mere bad spelling. Thus "soapal" is a registerable word for soap, but "sope" is not. Similarly the words "Geographical names" are now understood in a common sense manner, and to mean such names as would naturally under the circumstances be held geographical. Thus "Magnolia" was held not geographical though there were twenty-two places in the United States called Magnolia.

The following are not Registerable *as new trade marks*, or as parts of *new* trade marks (by *new* we mean those not in use before the 13th of August, 1875):—

Ornamental or coloured groundwork, such as tartans or checks, unless such groundwork be included within the mark by some border or lines.

Representations of the King, or of any member of the Royal Family.

The Royal Arms, or arms so nearly resembling them as to be calculated to deceive.

Representations of the Royal Crown.

The National Arms or Flags of Great Britain.

The words "Registered," "Registered Design," "Copyright," "Entered at Stationers' Hall," "To counterfeit this is Forgery."

A word in use as a Surname, or a combination of Surname and Christian name, which might possibly be the name of an existing individual, unless rendered in some particular and distinctive manner.

Names or places or geographical expressions such as "Arctic" or "Patagonian."

Pictorial representations of goods to which the marks are applied.

Names of persons in the possessive case in combination with names of goods; and in practice any name known as connected with some other living person or firm, such as a *nom de plume.*

Series.—Where a number of trade marks are employed resembling each other in *material* particulars, yet differing in respect of

(*a*) The statement of goods for which they are used (comprised in the same class); or

(*b*) Statements of numbers; or

(*c*) Statements of price; or

(*d*) Statements of quality; or

(*e*) Statements of names of places;

they may be registered as a "series" in one registration.

If, however, a trade mark nearly resemble another in use before the 13th day of August, 1875, or already registered, registration may be refused; nor can anything "calculated to deceive," or any "scandalous design," be registered.

A trade mark may be registered in any colour or colours, and such registration confers on the owner the exclusive right to use it in that or any other colour.

The owner of a trade mark licensing or even tacitly permitting another and rival firm or individual to use his trade mark forfeits his exclusive right to such trade mark. This does not apply, however, if the goods marked are the trade mark owner's own goods put up or bottled by the other.

Thus if A owns the trade mark of a picture of a cat and the word "Cat" below, for tea, and B uses as a mark the word cat on his tea, publicly and for some years, and A, knowing of it, neglects to prosecute

for a year or two, it is open for any one to mark tea with the word cat; but A can still maintain an action for infringement against any one using the picture of a "Cat" on tea.

The prior registration of a trade mark is *primâ facie* evidence of the legal right to such trade mark being invested in the person so first registering.

The registration of a trade mark is, after five years, conclusive evidence of the right to the exclusive use of the same, provided it be a trade mark within the meaning of the Act, except in case of fraud, and with this exception. Where a new article, the subject of a patent, has become known by a distinctive *name*, any person is entitled after the expiration of the patent to make or sell it under such name, and the patentee cannot prolong his monopoly by registering the said name as a trade mark.

SEARCHES.

No trade mark, having such resemblance to one already on the register in respect of similar goods, is officially accepted for registration. It is often desirable, therefore, in order to avoid delay and useless expense, to institute a search before applying for registration. For this purpose, we have compiled at Liverpool, as a special feature of our business, a copy of the entire register with the exception of the cotton marks, arranged chronologically and in classes, and thus have unsurpassed facilities of ascertaining quickly whether a trade mark is an infringement of any existing registered mark, or whether it is capable of being registered. Having established this register ourselves (the only one in the United Kingdom except the London one) we are able to avoid having to pay the Government fee hitherto payable for searches and the long delay, and are able to make

an examination, furnish particulars of all the nearest trade marks already on the register, and give our candid opinion as to the probability of securing you a trade mark registration, with promptitude.

APPLICATION FOR REGISTRATION.

Who can Register.—Any person, firm, company, corporation, or association, British or alien, can apply for and obtain registration of his or their trade marks.

Examination.—All applications are formally examined, and if found to come within the definition of a trade mark, and not conflicting with others already on the register, are passed by the Trade Marks Office, usually within four to eight weeks after application. They are then advertised, and within one month of the appearance of such advertisement, any interested or aggrieved person who may consider himself to have a prior claim to the mark may enter opposition to the registration. Should no opposition be entered during the aforesaid period, or such further time as may be allowed in certain cases, and should no exception be taken by Government officials, the mark is formally registered.

If an application be opposed, or two or more persons apply for registration of the same trade mark contemporaneously, the case is heard by the Registrar of Trade Marks, who decides as to the respective right to the said trade mark.

The decision of the Registrar is subject to appeal to the Board of Trade, who decide the matter, or (if it appear expedient) refer the appeal to one of the superior courts, and in that event the court has jurisdiction to hear and determine the appeal.

Where the private rights of the two adverse parties are at stake, the Board of Trade almost always refers the matter to a court.

If at any time any person feels himself aggrieved by the registration of any trade mark, he can apply to the courts to have the register amended; and if he be found to have just ground for his objection, the alteration will be made accordingly.

Assignments.—A registered trade mark is assignable only in connection with the goodwill of the business concerned in the particular class or classes of goods for which it has been registered.

Abandoning the use of a trade mark for a term of years, vitiates the rights obtained by registration. If, however, its use be recommenced, the old registration is sufficient against all persons, except those claiming to have used the mark before the recommencement of using.

Registration of a trade mark is equivalent to public use of the trade mark.

A trade mark must be registered for particular goods or classes of goods. Registration in each class is treated as registration of a separate mark. There are fifty classes of goods as follows:—

CLASSIFICATION TABLE OF GOODS.

1. Chemical substances used in manufactures, photography or philosophical research, and anti-corrosives, such as acids, alkalies, paints, natural dyes, varnishes, and photo films.

2. Chemical substances used for agricultural, horticultural, veterinary, and sanitary purposes, such as manures, sheepwashes, deodorisers, cattle medicines, vermin destroyers, chloride of lime for disinfecting.

3. Chemical substances used in medicine or pharmacy, such as tinctures, patent medicines, cod-liver oil, plasters, and medicated articles.

4. Raw and partly prepared vegetable, animal, and mineral substances used in manufactures not included in other classes, such as resins, oils for chemical

purposes (such as creosote oil), dyes other than mineral, tanning materials, wool, silk, bristles, hair, feathers, cork, linseed, coal, coke, bone, sponge.

5. Unwrought and partly wrought metals used in manufacture, rough pig or ingot, hoops, wire, bars, rails, bolts, sheets, or plates of iron, steel, lead, copper, zinc, tin, bismuth, antimony; also precious metals in ingots, telegraph wires.

6. Machinery (except agricultural machinery), such as steam engines, boilers, machine tools, sewing-machines, dynamos and motors.

7. Agricultural machinery, such as ploughs, thrashing machines, churns, cider presses, chaff cutters.

8. Philosophical instruments, and instruments and apparatus for teaching, such as gauges, school desks, ships' logs, cameras, cables, photographs.

9. Musical instruments.

10. Clocks, watches, and horological instruments generally.

11. Surgical apparatus, instruments, and contrivances not medicated, such as bandages, friction gloves, lancets.

12. Cutlery and edged tools, such as knives, shears, files, saws.

13. Metal goods not included in other classes, such as anvils, keys, needles, shovels, and corkscrews, electric lamps, steel wire ropes.

14. Precious and rare metals and jewellery, including aluminium, nickel, Britannia metal, plated goods, pencil cases, and clock cases of such metals.

15. Glass of all kinds.

16. Porcelain, earthenware, bricks, and tiles.

17. Manufactures from mineral and other substances used for building, such as cement, plaster, imitation marble, and asphalt.

18. Engineering, architectural, and building contrivances and apparatus, such as diving, warming,

filtering, lighting or drainage contrivances, electric, pneumatic bells, electric lighting and heating apparatus.

19. Arms and military stores not explosives, such as guns, swords, shot and other projectiles, camp equipage, and equipments.

20. Explosive substances, such as powder, dynamite, fog signals, caps, fireworks, cartridges.

21. Naval architectural contrivances and appliances, such as boats, anchors, chain cables, rigging.

22. Carriages, such as railway waggons, carts, coaches, velocipedes, bicycles, bath chairs, perambulators, motor cars.

23. Cotton yarn, thread, and sewing cotton.

24. Cotton piece goods of all kinds, such as cotton shirting and long cloths.

25. Cotton goods, not in the piece and not included in classes 23 and 38, such as handkerchiefs, cotton, small-wares, coverlets, doyleys, napkins, shawls, sheets, tablecloths, towels, and dusters.

26. Linen, and hemp yarn and thread.

27. Linen and hemp piece goods.

28. Linen and hemp goods, not in the piece and not included in classes 26, 27, and 50, such as linen cords, braids, trimmings, lace, and other linen or hemp small wares.

29. Jute yarns and tissues and other articles made of jute not included in class 50.

30. Silk, spun, thrown, or sewing.

31. Silk piece goods.

32. Other silk goods not included in classes 30 and 31.

33. Yarns of wool, worsted, or hair.

34. Cloths and stuffs of wool, worsted, or hair in the piece.

35. Woollen and worsted and hair stuffs, not ncluded in classes 33 and 34.

36. Carpets, floorcloths, and oilcloth, matting, rugs, druggets, etc.

37. Leather skins (unwrought and wrought) and articles made of leather not included in other classes, such as harness, whips, portmanteaus, furs.

38. Articles of clothing of all kinds.

39. Paper (except paper-hangings), stationery, printing, bookbinding, ink, playing-cards, books, copying presses, blotting cases, sealing wax, envelopes.

40. India-rubber and gutta-percha goods not included in other classes.

41. Furniture and upholstery, paper-hangings, japanned goods, mirrors, mattresses, papier-maché.

42. All substances used as food, or as ingredients in food, such as provisions, farm produce, tinned meats, fish, fruit, etc., cereals, pulses, salt, olive oil, tea, coffee, cocoa, confectionery, hops, malt, oilcakes, pickles, vinegar, and beer clarifiers.

43. Fermented and spirituous liquors, such as beer, cider, wine, whiskey, liqueurs.

44. Mineral and aerated waters, natural or artificial, including gingerbeer.

45. Tobacco of all kinds, manufactured or otherwise.

46. Seeds for agriculture or horticulture.

47. Candles, illuminating, heating, or lubricating oils, matches, washing blue, common soap, detergents, starch, benzine washing powders, chloride of lime, bleaching powders.

48. Perfumery, including perfumed soap, dental powders or preparations, hair washes, or pomatums.

49. Toys, games, archery, fishing tackle, billiard tables, skates.

50. Miscellaneous, including bags, sacks, tents, tarpaulins, bone, ivory, and wood manufactures not otherwise classified, brushes and combs (except artists'[1] brushes), straw and grass goods not otherwise

classified, also cordage, rope, and twine, animal and vegetable manufactured goods not otherwise classified, coopers' goods, artificial fuel, drinking-flasks (not precious metal), tobacco pipes, furniture cream, plate powder, diamond cement, polishing paste, umbrellas, grindstones, oilstones, hones, emery, and, in general, miscellaneous goods not otherwise classified in the previous classification.

Registration lasts for fourteen years from the date of application, and can be renewed again and again for further periods of fourteen years. The Comptroller is bound to give the owner two months' notice, and after that, if necessary, one month's notice before the expiration of the fourteen years, when, if the renewal fee be not paid, the owner has the option of paying it, together with a prolongation fee, any time during the ensuing three months; in default of which the trade mark is removed from the register, but can be applied for afresh as if never before registered.

A trade mark having been removed from the register in this way cannot be registered for another proprietor until after one year has elapsed, unless it is shown that the non-payment of the fee arose from the death or bankruptcy of the proprietor, or from his having ceased to carry on business, and that no person claiming under that proprietor is using the trade mark.

No action to recover damages for infringement of a trade mark can be instituted until the mark is registered, or unless, being unregisterable, the owner succeeds in establishing a proprietorship by long use. In an action for infringement of a registered trade mark, the court or a judge may certify that the right to the exclusive use of the trade mark came in question, and if the court or judge so certifies, then in any subsequent action for infringement the plaintiff in that action, on obtaining a final order or judgment in his favour, shall have full

costs, charges, and expenses, as between solicitor and client, unless the court or judge trying the subsequent action certifies that he should not have the same.

PENALTIES.

Any person who forges or counterfeits, or causes to be forged or counterfeited, any registered trade mark is guilty of an offence against the Merchandise Marks Act.

Any person who sells, exposes for sale, or causes to be exposed for sale, or has in his possession for sale, or any purpose of trade or manufacture, any article with a forged or counterfeit registered trade mark, which he knows to be wrongly or fraudulently applied, is guilty of an offence against this Act.

Any person selling, or exposing for sale, or having in his possession for sale, or any purpose of manufacture, any article with a forged or counterfeit registered trade mark, even when not knowing it to be counterfeit, is guilty of an offence under this Act, unless he can prove to the satisfaction of the court that hears the case that he had taken all reasonable precautions against committing an offence; or that he had no reason to suspect the genuineness of the trade mark; or that on demand he gave all the information in his power with respect to the persons from whom he obtained such goods; or otherwise he had acted innocently.

Any person who makes, disposes of, or has in his possession any die, block, machine, or other instrument for the purpose of forging a registered trade mark, is guilty of an offence against this Act, unless he proves he acted innocently or without intent to defraud.

Any person who applies to any goods a false trade

description as to the number, quantity, measure, gauge, or weight, the place or country of origin, the mode of manufacturing, the material of which they are composed, or as to their being the subject of an existing Patent, Privilege, or Copyright, is guilty of an offence against this Act.

Any person who falsely represents that any goods are made by a person holding a Royal Warrant, or for the service of His Majesty or any of the Royal Family, or a Government Department, shall be liable on summary conviction to a penalty not exceeding £20.

The sale or contract for sale of any goods to which a trade mark or trade description has been applied shall be deemed a warrant on the part of the vendor that such trade mark or description is genuine, and not false, unless the contrary is at the time expressed in writing.

Any person who has in his possession for the purpose of trade, or sells or exposes for sale, any watch bearing marks usually considered to designate the country in which the watch has been made (and if the watch bears no other description of the country, such marks shall, *primâ facie*, be deemed a description of the country of origin), where such is a false description, shall be guilty of an offence under the said Act.

Every person who brings a watch-case, whether imported or not, to any assay office for the purpose of being stamped or marked, shall make a declaration declaring where the case was made; and the assay office shall place a distinguishing mark upon English and foreign made cases. Any person making a false declaration shall be liable to the penalties for perjury.

Any goods of foreign manufacture or origin purporting to be of English make, or so marked or described that the possession of them would render the holder liable under this Act, are prohibited

importation into the United Kingdom, and may be seized and retained under the regulations of the Commissioners of Customs.

In cases where the trade description implies that the goods are the produce of a given place or country, and the goods are not actually made or produced in that place or country, there must be added to the trade description immediately before or after the name of that place or country if given, or after such implication in an equally conspicuous manner with that name or implication, the name of the place or country in which the goods were actually made or produced, with a statement that they were made or produced there.

Any person within the United Kingdom aiding or abetting in the commission, without the kingdom, of an act which, if committed within the kingdom, would be an offence, is guilty of an offence against the Act as a principal, and may be prosecuted at the place at which he resides. Every person guilty of an offence against the said Act is liable—

(1) On conviction on indictment to imprisonment with or without hard labour for a term not exceeding two years, or to a fine, or to both imprisonment and fine.

(2) On summary conviction to imprisonment, with or without hard labour, for a term not exceeding four months, or to a fine not exceeding £20; and in the case of a second or subsequent conviction, with or without hard labour for a term not exceeding six months, and to a fine not exceeding £50.

(3) In any case forfeit to His Majesty every chattel, article, instrument, or thing falsely marked, or by means of, or in relation to which the offence has been committed.

An action for an offence under this Act can in England be summarily proceeded with before any two Justices of the Peace sitting together. In

Scotland it can be tried before the Sheriff of the County in which the offender resides or carries on business. In Ireland, before the Courts of Petty Sessions, or the courts in the police district, Dublin.

No prosecution can be commenced for an offence committed more than three years previously, or that has come to the knowledge of the prosecutor more than one year prior to the commencement of the action.

By the Margarine Act of 1887 it is enacted that no preparation in imitation of Butter shall be sold except by the name of "Margarine," under a penalty of £20 for a first offence, £50 for a second offence, and £100 for a third offence.

Requirements for Registering a Trade Mark.

The following particulars should be sent to us by any one requiring the registration of one or more trade marks:—

(1) Three copies on paper of each mark for each class (see pages 57 to 61) in which it has to be registered, or six copies in the case of classes 22, 23, 24, and 25.

(2) Date at which the mark was first used if before the 13th of August, 1875. (It is very useful in most cases to have this recorded.)

(3) Full name, address, and business of owner of trade mark, whether an individual, firm, or company—if the latter, full name of secretary also.

(4) List of goods and classes of goods for which the mark is used.

(5) A letter of authorisation to the Patent Agent, signed by the applicant, or if a company by the secretary or a director on behalf of that company, as follows:—"General Authority. The undersigned do hereby authorise and appoint Messrs. W. P.

Thompson & Co. of [*state which office*], agents in all matters relating to [*his, her, or their*] applications for registration of trade marks made on or after the date hereof, this General Authority to remain in force till revoked by [*him, her,* or *them*]. All communications to be sent to aforesaid agents at said address."

Table of Fees.

The cost of registration, including specifying and classifying goods, preparing blocks, pictorial advertisement in and copy of the official paper, and agency fee, will be as follows, except in the case of large and intricate marks, when an additional charge is made for block cutting and advertising :—

	£	s.	d.
For registering one trade mark, for one class of goods only, including block, pictorial advertisement, copy of official paper, and Government fees. On application	1	1	0
On completion	2	2	0
	to		
	3	3	0
For altering or substituting another mark for one objected to on application	0	15	0
For registering a "series" (see page 54) of trade marks, for each additional mark after the first	1	1	0
For negotiating for obtaining the consent of an owner of a conflicting mark when required	0	10	6
	to		
	1	1	0
For drawing up and entering an opposition to a trade mark entered for registration by some other party, including Government fees	3	3	0
For drawing up and entering a defence against an opposition	2	2	0
Defending or opposing a trade mark from £5 to	100	0	0
Appeal to the Board of Trade from the refusal of the Government officials to register a trade mark	8	0	9

	£	s.	d.
For registering assignee, or subsequent proprietor of a trade mark	2	2	0
Altering an address on the register	1	1	0
Obtaining a certificate of due registration of any trade mark available as evidence in a court of law	1	10	6
Ditto available for the obtaining of registration abroad	0	10	6
Renewal of Registration at end of 14 years	1	5	0
Copy of single number of *Trade Mark Journal*, containing advertisement of trade mark	0	1	6
Search to ascertain if any one mark be registered or who is the owner of any mark, or whether a given individual has registered a mark, from	0	10	0 to 1 1 0

FOREIGN REGISTRATION.

It is also of the utmost importance to those merchants and manufacturers whose goods are exported to have their trade marks registered in every country or colony in the markets of which the goods are sold. Registration at home gives no protection whatever outside the United Kingdom, and it is well known that native manufacturers, and those competing from other foreign countries, pirate and counterfeit British traders' marks when such are not registered in the country to which the goods are going. Instances, too, frequently occur of the consignee of a British trader registering the mark as his own, for the purpose of securing a monopoly to himself of all goods so marked.

We therefore strongly advise all owners of trade marks to have them registered in any and every country in which their goods find a market.

Under the heading of each country in the latter portion of this book will be found the cost of registering a trade mark in the country in the case of trade marks already registered in Great Britain,

COPYRIGHT.

The law of Copyright in England is very complicated, there being a different set of laws for :—

1. Unpublished works.
2. Printed books and pamphlets.
3. Newspapers.
4. Music and theatrical productions.
5. Paintings, and other like works of art.
6. Engravings.
7. Sculpture.

The author of any original literary production, picture, music, or play, has the exclusive right of publishing or performing it under the common law ; but if he publish the book or perform (or allow to be performed in public) the music or play, or sell the picture or a copy thereof, his common law right ceases and the copyright laws come into force. The writer of a letter under ordinary circumstances has the sole right of printing it. A lecturer, too, has a copyright on his lecture, till it be published ; a person can take notes, but not publish these notes.

Books, Pamphlets, Sheets of Printed Matter, and Maps.

The author of any of these, being a subject of the King of Great Britain, or of any of the countries of the Berne Convention (see heading, "International Copyright," page 71), can obtain protection for such works for forty-two years from the day of publication, or till seven years after his death, whichever be the later date, provided he register the work at Stationers' Hall, giving the correct date of first publication and other particulars ; or if being resident in any other country of the Berne Convention he fulfil the copyright

regulations of that country. The author during this period has the sole right to make and sell copies of the work; but short quotations therefrom, and even abridgments of the work, can be published by other parties. The author publishing in Great Britain, or registering at Stationers' Hall, is obliged to supply certain libraries with copies.

Newspapers can be protected in similar manner by registering the first number; this protects subsequent numbers. The title is only protected under common law, which will protect an author from another person using his title in such manner as to be calculated to deceive and cause him damage. Cost of copyright, £1 1*s*., and six copies of the work which have to be supplied to certain public libraries.

Music and Theatrical Productions.

Till these are printed or performed in public the author has a perpetual copyright.

After being once performed in public the author (if duly registered) has the sole right of performance for forty-two years, or for his life and seven years after, whichever be the longest term. Until they be printed he has the sole right of multiplying copies, but on being published they are considered books, and they can be protected from publication by others by registration, for forty-two years from the day of publication, or till seven years after the author's death, whichever term be the longest. Cost of copyright, £1 1*s*.

If a piece of music be printed with the author's sanction, and without an express notice printed on the title-page that the right of public performance is reserved, any one purchasing a copy can perform it. It is an infringement of copyright to import a copyright work, and the same can be seized at

the Custom House and the importer fined £10 and double the value of the book. Half the fine goes to the officer making the seizure. Cost of copyright, £1 1*s.*

Prints of engravings to be the subject of a copyright must be engraved or etched in Great Britain or Ireland. Both date of publication and name of proprietor of copyright must appear on the face of the engraving; in other respects they come under the book copyright law, and if they form part of a book the above stipulation does not apply. Cost, £1 1*s.*

Paintings, drawings, and photographs, till a copy be sold, are the copyright of the author; and even when eventually registered the copyright period of forty-two years dates from the date of production. Infringement before registration is not actionable, and the registration must be effected by the actual artist or photographer making the picture.

When the author first sells his picture, or a copy thereof (except where it was expressly made as a commission for the purchaser), unless he expressly reserves his rights in writing, or conveys them to the purchaser in writing, the copyright is forfeited. Why this rule was made, it passeth the wit of man to understand. Cost of registration, 17*s.* 6*d.*

Sculptures are protected for fourteen years with a further term of fourteen years if the original sculptor be then living, by the simple act of placing them in a public position, and marking them with the name of the sculptor in each case before being exhibited or sold.

Colonial Copyright.

A British copyright extends to the colonies, and *vice versâ*, but the colonies can allow the importation

of foreign reprints into their territories on paying a small fee for each reprint to the British author. The Dominion of Canada did this till December, 1894, but then passed an Act stopping the collection of said fees.

International Copyright.

Belgium, the British Empire, France, Germany, Hayti, Italy, Luxemburg, Monaco, Norway, Spain, Switzerland, Tunis, and Japan, form the Copyright Union, and copyright in any one country of the union gives copyright in the others. The United States and England have a copyright treaty, and simultaneous publication in the two countries (the printing being done in each case from type set in that country), and registering in accordance with the law protects the copyright in both countries. France, Belgium, Denmark, Switzerland, Italy, and Germany, also have a similiar understanding with the United States.

FOREIGN PATENTS.

As inventions valuable in this country are usually equally so in foreign states and colonies, we append, as a second part of this work, a brief epitome of the law of each country—longer for the more important ones than for those of less importance. In this we have endeavoured to give, in a concise form, those parts of the respective laws most valuable to a patentee.

FOREIGN PATENT LAWS.

AFRICA.

NEARLY all the British Colonies, no matter how small, have a separate patent law which may be looked for under the name of the respective colonies. The German, French, Italian, and Portuguese dominions respectively are covered by patents of the mother country. Tripoli is covered by the Turkish patent, while Congo Free State, Egypt, and the Soudan (British and Egyptian) have independent Patent laws. Madagascar also has separate registration. These will be found under the headings of the respective states.

AMERICA (NORTH).

See Canada, Mexico, Newfoundland, and United States.

AMERICA (CENTRAL).

See British Honduras, Costa Rica, Guatemala, Nicaragua, Salvador, Panama, and the various West Indian Islands.

AMERICA (SOUTH).

See Argentina, Bolivia, Brazil, Chili, Colombia, Ecuador, Guiana, Paraguay, Peru, Uruguay, Venezuela.

ARGENTINA.

(Population 4,500,000.)

Only inventions still unpublished at home and abroad (or, in the case of patents of importation, inventions not yet worked in the realm) and generally such as would be patentable in England, except medicines, can be protected in the Argentine Confederation.

There are four kinds of patents:—

(1) *Invention.* Granted for new inventions, not patented in any country previously, and granted for five, ten, or fifteen years, according to wish of applicant and merit of invention. If a patent for five or ten years be applied for, it cannot afterwards be extended to the fifteen.

(2) *Certificates of Revalidation.* Granted for inventions already patented abroad and expiring with the original foreign patent. These are not granted in any case for more than ten years. Inventions already at work in the realm cannot be validly protected.

(3) *Improvement.* Granted for improvements on an existing patent, and usually expiring with it.

(4) *Provisional.* These are of little value except to residents. They are kept secret, and can be renewed from year to year.

Patents can be opposed by interested parties on the ground that they have previously applied for the same invention, or that it is provisionally protected by them. In such case, if the two applications are found to be identical, both are refused till the parties can come to an agreement.

The invention must be worked in the Republic within two years from the grant of the Letters Patent, and working in the realm must not be entirely

interrupted for two entire consecutive years except by circumstances beyond control of the patentee or accident duly certified by the office, otherwise the patent becomes void.

Infringement is a criminal offence, punishable with fine of from 50 to 500 piastres (about £7 to £70), or imprisonment of from one to six months (second offence within five years, penalty doubled).

The counterfeit articles are also confiscated to the patentee, and the latter can obtain costs and damages from the infringer. The sole defences allowed are invalidity of patent or right of ownership in patent.

It is considered an aggravation of the offence if the infringer has been in the service or confidence of the patentee, or has obtained the information surreptitiously. Besides damages for infringement and the confiscation to him of the counterfeited articles, the patentee or informer obtains half of the fine.

Illegal use of the word "Patent," or exhibiting for sale (or even giving away), infringements on a patent, subjects the offender to the above-mentioned fines or imprisonment. These laws are easily put in force.

There are annual taxes as below :—

Usual Cost : Patent of invention or importation.	.....15 years £52 .....10 years £34 ..... 5 years £24
Patent of improvement by inventor of original patent.	£32 plus £1 10s. a year for period yet to run.
By other than the inventor of original patent.	£32 plus £3 a year for period yet to run.

Annual taxes including agency in respect of five-year patents, before end of 1st, 2nd, and 3rd years, £4 ; before end of 4th year, £4 5s. ; in

respect of ten-year patents, before end of first seven years, £4 each; before end of 8th and 9th years, £5 8*s.*; in respect of fifteen-year patents, before end of first ten years, £4; before end of 11th, 12th, 13th, and 14th years, £6 12*s.*

Registering a trade mark, £12.

COMMONWEALTH OF AUSTRALIA, INCLUDING TASMANIA.

(Population, 5,000,000.)

Until 1904 each state or colony in the Commonwealth granted patents for its own territory only. There is now one patent law for the entire Commonwealth, and each new patent extends to the whole of Australia and Tasmania, unless some state be specially excepted in such patent.

Who may Patent.—Any inventor, whether subject or alien, or his assignee, attorney, agent, nominee or legal representative or a person to whom any such individual being abroad at the time communicates the invention to, or any two or more of these may apply for a patent.

Kinds and Duration of Patents.—Provisional protection for nine months, complete patent for fourteen years, and patents of addition to expire with the principal patent.

Examination System.—All complete applications or final specifications following a provisional application and all patents of addition, are examined by an Examiner to ascertain whether they are in order, and fulfil the rules, and whether they are patented in the Commonwealth or in any of its states on application of prior date. Upon this report the Comptroller either accepts the application, or refuses it conditionally, or in toto, or requires an amendment.

The applicant has the opportunity of amending or appealing to the High or Supreme Court. If the application be not accepted, the papers are kept secret; and with the exception above mentioned, the Examiners' reports are also kept absolutely private.

Accepted applications are published, and for three months are open to opposition by interested parties on the ground that the invention is not new, or has been abandoned to the public, or forms the subject of a prior application for a patent in Australia, or in any of the states by himself or any other party whom he may at the time officially represent, or that the status of the applicant as regards his ownership of the patent is not as stated. In some cases the result of an opposition may be the proving that an invention is unpatentable as regards one or more of the states, in consequence, for instance, of prior applications of separate state patents while it is a valid application in the remaining states of the Commonwealth. In such case a patent may be granted for those states only in which the invention appears to be patentable. A prior patent or publication more than fifty years old cannot be brought against an application or patent. The invalidity of one or more claims of a patent has no effect on the validity of other claims. This is a very valuable improvement over the English practice.

Taxes.—A patent goes void at the end of seven years if a tax of £6 including agency be not paid before the expiration of those seven years from the date of application; but if through accident, mistake, or inadvertence the tax be not paid in time, the Comptroller has power to accept payment any time within a year, but an additional fine, varying with the amount of time which has elapsed must be paid, and if there be any proceedings in respect of infringement committed in the interim, a court has the option

of refusing to award damages in respect of such infringements.

Patents can be extended beyond the fourteen years on petition to the Supreme Court on very similar terms to those that hold good in England with regard to the Privy Council.

Patents of Addition are granted for improvements on, additions to, or modifications of, the principal patent. They expire with the principal patent, and must be substantially for the purposes for which the original patent was applied.

In all other respects the law is substantially similar to that of Great Britain.

The various states have joined the Union for the Protection of Industrial Property, and the Commonwealth has made provision in its Act to enable it to do so.

Usual cost: Original Patent, Provisional Protection, £5; completing the same, £16; or complete protection at start, £19.

Patent of Addition, Provisional, £3 10*s.*; completing, £13; or complete at start, £16.

Tax at end of seventh year on principal patent, £6; on Patent of addition, £3 10*s.*

Trade Marks at present must be protected in each state separately, there being no trade mark law for the whole Commonwealth. But an Act is rapidly being passed through the legislature, and in Dec. 1905, in all probability, there will be one trade mark law for the entire commonwealth.

AUSTRIA (INCLUDING BOSNIAN PROVINCES, BUT NOT HUNGARY).

(Population, 27,000,000.)

Kind and Duration of Patents.—Patents of invention are granted for fifteen years, subject to an

annual tax. Patents of addition are granted for improvements on existing patents, to expire with the original patent, and subject only to application fees and a tax of 25 florins to be paid within three months of the grant; but in case the original patent is revoked, annulled, or renounced, the patent of addition can be continued, as an original patent, to fifteen years from the date of the original patent, by payment of the taxes that would have been due on the original patent.

Who can Patent.—The true and first inventor or his assignee or representative has alone the right of patenting an invention, but the first applicant will be considered the inventor till proved not to be so by the real inventor or his representative or assignee.

All contracts between employers and employees that the future inventions of the latter shall be the property of the former are of themselves null and void, but an employé can sell to his employer any given invention he may be possessed of.

What can be Patented.—Any *new* manufacture or process of manufacture can be patented unless it be (1) immoral or contrary to public health, or (2) a medicine, (3) a disinfectant, (4) a chemical substance, (5) a food for human beings, or (6) appertaining to an article which is a monopoly of State. A process for manufacture of any article under the 2nd, 3rd, 4th, and 5th heads is patentable.

Novelty.—The invention to be patentable must not have been fully described in print in any country, publicly worked, exhibited, or previously patented in the realm. The Government can, however, by notice in the *Patent Journal*, exempt the official Patent Office publications of any given country from being considered publications under this head. Any one, however, who has privately used the invention before the date of the patent in his own works or elsewhere

in the realm, or has made proper arrangements for using the same, can continue in such works to exploit the invention (for his own use or business only) without let or hindrance from the patentee.

Rights Conferred by Patent.—A patent confers on its owner the exclusive right to make, use, exercise, or sell the invention in the realm, and if it be for a process, this right extends to all products made by such process, even though themselves unpatentable. The Government has the right of using or appropriating in whole or in part or annulling a patent relating to munitions of war or other patent likely to be useful to the State, and giving such recompense as with the assistance of experts it thinks fair to the patentees.

All applications for patents are examined by the official examiner (and by experts called in for the purpose should the office require their services), and the applicant may be called upon to amend or subdivide his application. Against all decisions of the officials appeal can be had to the Patent Court.

Assignments and Licenses.—These can be made as in England and registered, but till registered they are not binding on third parties, and they take effect in their order of registration, the first registered taking priority over a later registration even though the last registered document was the first executed.

Compulsory Licenses.—If after the first three years of its duration a patent is not publicly worked by the inventor sufficiently to supply the reasonable demands of the public, or another patentee has a patent which requires for its economical working the use of such prior patent, the patentee can be compelled by the Patent Office to grant licenses at reasonable rates.

Renunciations and Revocations.—A patent can be renounced by a patentee or whole or part owner, and thus the latter can escape all costs in subsequent

actions for annulment, but such renunciation only affects the person making it, the rights of other owners of the patent being unaffected by it.

Working.—A patent can be revoked if the patentee do not work the same or make arrangements for others to work it to a convenient extent, and this, even during the first three years of duration if the invention be worked abroad and the public interest demands such revocation. In practice the courts admit as proof of working at the termination of the first three years, the mere commencement of working, such as making a distinctive part of the machine, but if this be not gone on with vigorously and the entire invention set to work—or if the inventor supplies the demand mainly from abroad—the patent will be declared void.

This revocation will not, however, be decreed until after the patentee has had due warning and has continued to leave the patent unworked.

A patent can be annulled if it be found to have been illegally granted or the invention be not new or patentable at the date of the patent.

A patent can be transferred by a court to the rightful owner if it be proved that the invention was made by, and fraudulently taken from, another party claiming it.

Infringements are punishable by fine, by confiscation to the State of the infringing articles, and the payment of costs and damages to the patentee, and the publication of the sentence at the expense of the infringer. Where a patented process for a new article is infringed all articles of the same nature will be considered to have been made by the patented process, and be infringements, until proved not to be such.

Any person can demand of the courts an authoritative decision whether any given manufacture he is engaged in or intends to engage in is an infringement

of any given patent. This decision obtained is conclusive against the patentee.

Taxes.—There are annual and progressively increasing taxes to be paid on each patent of invention, otherwise it becomes void. These taxes must be paid on or before the anniversary of publication of the application for the patent in the *Patent Journal*, or within three months of that day with an additional tax of ten shillings.

The taxes (with agency) on a patent of invention, amount to: before end of 1st year, £3 10*s.*; 2nd year, £4; 3rd year, £5; 4th year, £6; 5th year, £7; 6th year, £9; 7th year, £11; 8th year, £13; 9th year, £15; 10th year, £19; 11th year, £23; 12th year, £27; 13th year, £31; 14th year, £35.

Cost of patent of invention or of addition, including the 25 florin tax, within three months of the grant . . £14

Cost of registering a design, £8. If more than three are registered at once, all, after the first three, are £1 10*s.* each. The registration covers Hungary.

Cost of working and proving same from £9.

Trade mark registration for Austria-Hungary, £7.

BAHAMAS.

(Population, 56,000.)

Law is similar to those of Barbadoes, but the cost of application is £35.

After taxes, as in Barbadoes.

BARBADOES.

(Population, 200,000.)

The British Act has been re-enacted substantially in Barbadoes with the following alterations. An assignee can obtain a patent, and the costs are nearly

doubled. The old taxes formally prevailing in England—before end of 4th, 5th, 6th, and 7th years, of (including agency) £11 each; before end of 8th and 9th, £16 each; and before end of each remaining year, £21—are substituted for the present English taxes.

Usual Cost: Provisional Protection, nine months, £8; completing same, £15; or complete at start, £19.

Taxes, including agency, end of 3rd and 7th years, £12 and £22 respectively.

BELGIUM.

(Population 7,000,000.)

Varieties and Duration of Patents.—Patents are of three kinds: Patents of Invention (including those taken out under the rules of the Union for the Protection of Industrial Property, of which Belgium is a member, see p. 194), Patents of Addition, and Patents of Importation. Except in the case of Patents of Importation, a patent is null and void (1st) if the invention have been accurately described in any printed book, circular, printed picture, or photograph, in any country, before the date of the patent; (2nd) if it have been worked in the kingdom by other than the inventor or those holding rights under him before the date of the patent; (3rd) if there be in existence, in Belgium or abroad, a patent of prior date for the same invention.

A valid patent of importation, granted only for the nominal duration of an existing foreign patent for the same invention, can, however, be obtained by the patentee of the said foreign patent, or his assigns, so long as it has not been worked commercially in Belgium previous to date of application for the Belgian patent by parties not holding rights under the said patentee, or his agents or assigns. It may have been described in books printed by

Government authority, but if fully described in print in Belgium, in works other than official, before the date of application, the patent becomes void.

Patents of Invention are granted for twenty years, subject, however, to the payment of an annual tax of twenty francs before the end of the first year, thirty francs before the end of the second, and so on, increasing ten francs each year. Payment of these taxes must be made within the calendar month during which they come due, but can, in default, be made good by paying the tax and an additional fine of ten francs any time within six months of the date they come due.

Patents of Importation last only for the term for which the foreign patent upon which they were based (usually the one of longest duration) was originally granted, and are subject to the above annual tax, and limited by the term of twenty years from the date of application.

Patents can be prolonged by special Act of legislature, but this rarely takes place.

Patents of Addition are for improvements on existing patents, and can be taken out by the inventor of the original patent of invention or importation, or any other person having a vested interest in it. They are granted free of annual tax for the remainder of the terms of the original patent; but the annulment of the latter (except for non-payment of tax) does not entail necessarily the loss of the patent of addition. The owner of a patent of addition on a patent owned by another cannot, however, work the original patent without a license, and *vice versâ*. If, however, the original patentee declines to keep up the patent, the patentee of the addition can pay the annuities for him, so as to keep his own patent up, but even then cannot use the original patent without a license.

Who can Patent.—All inventors, Belgian or alien (except citizens of countries not granting reciprocity to Belgians), the assignees of said inventors, and practically others besides the true and first inventor, can obtain valid patents for inventions, provided they be new. If a man employs another to invent, the employer is legally the inventor. Heirs or executors of a dead inventor can patent the invention imparted to them by the deceased.

If a patentee be proved to have obtained the knowledge of his invention from the true and first inventor by fraud, the real inventor can by law obtain the transfer of the patent rights to himself, or their nullification.

Procedure.—All patents applied for, if the documents be in proper form and the fees paid, are granted without examination as to novelty, and without guarantee of the Government as to sufficiency, novelty, validity, or merit.

The specification and drawings must describe the invention so accurately that any ordinary workman in the trade to which it relates can work it without making fresh experiments. In this respect, the Belgian law is almost exactly the same as the English and American.

The specification must also set forth exactly what parts are new and what old.

The patent dates from the hour of application in Belgium.

What can be Patented.—Any invention, discovery, or improvement, susceptible of being worked as an object of industry or commerce, can be patented.

Medical appliances, medicines and inventions for a curative or health-preserving object, cannot be patented in Belgium, but bottles, capsules, and cases of surgical instruments can be validly protected.

So can veterinary medicines as such, but the patented article can be made and used for human beings without infringing on the patent.

Artistic and literary productions cannot be patented, but are perfectly protected under the decree 19 to 24, July, 1793.

Mere changes in form, quantity, material, or colour, cannot be patented unless productive of a new result, with this exception:—

In a combination producing a new result the combination can be patented, but not the new result, and any one finding a new way of effecting that new result can obtain a valid independent patent for the new combination.

A discovery to be validly patentable must exist through human intervention—thus the discovery of a new mineral could not be patented; the discovery that gas can be purified by passing it over a certain chemical could be validly protected.

A patent cannot be granted for two inventions entirely disconnected with each other. This proviso is construed about as liberally in Belgium as it is in England, and decidedly more so than in America.

Rights conferred by Patent.—Belgian patents give substantially the same rights to their possessors that English and American ones do in their respective countries. A patent is in all respects personal property. If several persons hold a patent in common, each has the right of working it independently of the others, unless otherwise arranged by special agreement; but should any proprietor prove that another is getting heavy profits that ought equitably to be divided between the co-proprietors—such as royalty for a license—a court of equity will rectify the grievance. A license, however, granted by a partial proprietor is valid.

The patent gives the right to prosecute before the

tribunals all those who make, import, or employ commercially, sell, or expose for sale, the invention patented. Personal use of the invention, when not commercial, is no infringement. The actual manufacturer—not the man who ordered the infringement—is the person to proceed against. The author, however, of plans and specifications from which the article is made, is held to be an infringer as well as the actual manufacturer.

If a machine be patented, but not its application, the maker only can be proceeded against, not the user, even if he uses it for a commercial purpose. The possessor of a counterfeit article, or of apparatus specially designed for working a patented process, is legally an infringer, if it can be shown that the intention of the possessor of said article or apparatus was to commercially use the invention, even if no such use be proved. If, however, he possess these articles as security for a debt only, or to use them only for his personal wants, and not to make a trade of them, he is clear of infringement.

Articles passing through the realm, in transit from one foreign country to another, are not liable to seizure; this holds good for nearly all European countries.

Novelty.—An invention must be new in the realm at the time of application of the patent in Belgium or (if it has been applied for under the Convention Union for the Protection of Industrial Property, page 194) at the date of the original application abroad on which it is based.

If a part be proved old, and another part of the invention be new, and the combination new, even if all three be claimed separately, the entire patent is not nullified, but only that portion claiming the old part taken separately, the new part and the combination being still validly patented.

As in England, but contrary to French law, the sale

of products of the patented machine, or process, in the realm previous to the application for the patent, destroys the validity of a patent of invention for the said machine. Publicly exhibiting the invention does not destroy the validity of a patent afterwards obtained.

The novelty of an invention is not destroyed by a prior publication in print if the latter contained only some of the elements of the invention.

Proof of private possession of the invention by a third party, prior to the date of the invention, does not invalidate the patent, but gives the possessor a legal right to infringe the patent during its continuance.

Working.—A patent can be declared null and void, if it be proved that the patent is yet unworked by the inventor, his licensees and agents, or assigns, in Belgium, and has been worked abroad with the knowledge of the inventor more than one year previously; also, if said working be suspended continuously in Belgium for one whole year after it has been worked abroad. This provision of the law is very liberally interpreted in favour of the inventor, it having been decided that the working of any part of the invention or of a patent of addition, and public exhibition of the invention, or the importation of a part and granting of a license to manufacture, is a sufficient working. Practically the date of first working abroad resolves itself into the date when the proof of working was officially made to the French, Austrian, German, or other Government. The delay of one year can, prior to its expiration, frequently be prolonged another year by petition to Government. The annulment of an original patent does not entail the annulment of a patent of addition, provided the taxes are continuously paid. For patents taken out under the rules of the Union for the Protection of

Industrial Property, the time during which a patent has to be officially worked is three years from the date of application for the patent of the country of origin.

Licenses and Assignments.—An exclusive license must be signed by the entire proprietary, and entails on the owners of the patent the obligation to prosecute infringers if required by the license.

Assignments and licenses of patents should (to be valid against third parties) be notified (and an extract sent) to the Department of the Interior, for registration; or should obtain a "certain date," some other way (that is, a legal proof of date). This can be done by obtaining the seal of a court, the attestation of a notary, the certificate of date of death of one of the signatories, or any other official document by which the document can be proved to have been in existence at a specified date. Registration is not necessary in this case, but is useful, and as the Government fee is only sixteen francs, and the registration is officially published, this mode of obtaining a "certain date" is that usually adopted.

Licenses can also be registered. The registration fee in these cases is variable.

The vendor of a patent, in selling it, practically guarantees to the purchaser that his title to the invention is perfect, also that the patent is valid, and that everything mentioned in the specification is true; he does not guarantee in other respects the utility or success of the invention. Should any of these practical guarantees be vitiated, the purchaser can oblige the vendor to receive back the patent, and return the money. Unless a clear case of fraud be proved, these rights cannot be enforced anywhere but on French or Belgian soil.

Infringement Suits.—The penalties for *knowingly* infringing are: the confiscation to the patentee of the counterfeit articles and all apparatus specially

destined for making them, the value in money of all counterfeit articles already sold, and damages for infringement. The penalties for infringing *through ignorance* are an injunction from continuing the infringement and assessed damages.

The articles aforesaid can be seized, even when pledged to another.

The court can in all cases, if it see fit, and generally does, give the aggrieved party the right of publishing, by public advertisement, at the cost of the infringer, the full or abridged account of the trial and sentence.

Any one or more of the joint owners or licensees of a patent can become a party to an action for infringement before a civil tribunal.

Patent cases in Belgium are much cheaper and more quickly decided than in England.

If the plaintiff be resident abroad he must deposit with the court security for costs in money.

Annulling a Patent.—Patents can be annulled by the tribunals partially or entirely—if the description be intentionally obscure, or so incomplete or not sufficiently explicit for an ordinary person in the trade to which it relates to be able to work it without experiment or invention; if an important part have been withheld; if it be not an invention of man; if it be not commercial or industrial; if it be contrary to public law or morals; if it be not new; or if it have been commercially worked in the kingdom prior to the date of the patent by parties unconnected with the inventor. The annulment of the foreign patent on which it was based before the end of the term for which it was originally granted, does not nullify the Belgian patent of importation.

A patent is good until pronounced by the administration to be cancelled; such pronunciation is final, and cannot be appealed against.

Official Publication.—A description, embracing the essential points of every patented invention, is published by the authorities in the official *Recueil Spécial des Inventions*—nominally three months after the grant of the patent. This publication is, however, usually a year or more in arrear. Until these three months have expired, the invention is kept secret by Government, after which any one can, on paying the cost of copying, obtain from the authorities a description embracing the entire substance of the invention.

About 7,000 patents of all kinds are now secured yearly, and the total number, December, 1904, has reached 180,000.

Ornamental designs can be protected by their authors in perpetuity by registration.

Cost.—The usual cost of Belgian Patents of Invention or Importation varies from £8 10*s.* to £10. Taxes on same, including agent's fees, £1 10*s.* before end of first year, £2 second year, and so on, increasing 10*s.* each year. Patents of Addition from £8 to £9 10*s.* Proving working, £9. Registering a trade mark, £4 15*s.* Designs, £5 5*s.*

BERMUDA.

(Population, 16,000.)

The law is almost identical with the English except that there is no provisional protection or annual taxes. Cost of Patent, £21.

Cost of Trade mark Registration, £15.

BOLIVIA.

(Population, 2,000,000.)

Patents of Invention are granted for periods of from ten to fifteen years. Patents of Importation for

machinery new in the realm are granted as follows; if the outlay of the applicant in the establishment be $25,000, a three-year patent is granted; if $50,000 outlay, a six-year patent; if $100,000 or upward, a ten-year patent is issued. These patents are for a limited extent of territory only. Improvements on patented inventions can be protected by adding a further description to the papers filed describing the original invention. A patent is made void if the owner works secret improvements without filing his descriptions, or if working be not commenced within a year of the grant. Medicines cannot be protected.

Compulsory registration has been decreed for all trade marks used in Bolivia to mark foreign goods under penalty of a fine. Term, ten years renewable.

They are subject to an annual tax (under pain of forfeiture) of £4, including agency, or a trader can have his mark registered completely for ten years at start.

Usual Costs: Patent, £80. Trade marks, £16 10*s.* for one year; then £10 renewing fee for one year, and £4 a year after for nine years and so on, or £38 for ten years complete.

BRAZIL.

(Population, 15,000,000.)

Kinds and Durations of Patents.—Patents of Invention are granted for fifteen years.

Patents for improvements on existing patents, free of annual taxes, are granted to expire with existing patent.

An invention patented abroad can be protected in Brazil by the inventor within twelve months of the date of application for the original foreign patent, notwithstanding any publication during the interim;

and such patent takes priority over an application by another inventor for the same invention during said interim, but expires with the original foreign patent.

Provisional protection is granted, if desired, before patenting, but this is of little or no value except to residents.

What can be Patented.—Any new industrial product, or new process, or new application of old process for obtaining an industrial product or result, or improvement on an existing patented invention, can be patented.

By *new* is meant not in commercial use and unpublished in *any* country before application for a patent.

Procedure.—There is an examination before grant of the patent, stricter in the case of chemical, alimentary, or pharmaceutical inventions than with others, but only with a view of ascertaining if the documents be in order, whether the invention be dangerous to public health, security, law, or morality, and whether it be patentable. The question of novelty is little gone into.

In applying for a patent of addition the original patent on which it is based must be forwarded to Brazil.

Two or more inventions cannot be protected under one patent.

Rights Conferred.—It is an infringement of the patent to make, sell, conceal, receive for the purposes of sale or import, the patented article, or use the patented process, and the penalty for such infringement is a fine of from £100 to £1000, and 10 to 50 per cent. of the real and constructive damages (and the forfeiture to the patentee, in aggravated cases, of the counterfeit articles and plant for their manufacture).

When the infringer has been associated as an agent or employé with the patentee, it is considered an aggravation of the offence.

Co-patentees have equal and independent rights to use the invention.

The Government can at any time purchase the patent at a valuation.

Working.—The invention must be worked in a *bonâ fide* manner in the empire within three years of the date of the patent, and to such an extent as to supply the wants of the country at reasonable rates, and such working must not be suspended except in case of *force majeure* (a state of siege, for instance, preventing the working), on pain of forfeiture of the patent rights over that portion of the territory that, in the opinion of the authorities, was not properly supplied.

Improper use of word "Patent."—There is a fine of from £20 to £100 for the use of the word "Patent," or its equivalent, for any unpatented article, or article for which the patent has expired.

Taxes.—All Patents of Invention become void unless the annual tax be paid fully. This, with agency charges, comes to £5 at end of first year; £6 4*s*. at end of second year, and so on, increasing £1 4*s*. each year.

Cost.

Average cost of patent of invention	... £32
Average cost of patent of addition	... £28
Assignment of patent	... £9
Certificate of working	... £18
Cost of registering a trade mark	£12 10*s*.

BRITISH GUIANA.

(Population, 300,000.)

The British law with slight modifications has been re-enacted for British Guiana. The differences being

that the Assigns of inventors can apply for patents, that the fees are much heavier, and the annual taxes are changed to a single tax at the end of the seventh year.

Cost of patent, provisionally 9 months, £7; completing, £14; or complete at start £17; tax before end of seventh year, £23.

BRITISH CENTRAL AFRICAN PROTECTORATE.

(Population, whites, 700.)
(,, coloured, 750,000.)

The law, taxes, practice and costs are the same as the British, in every important respect.

BULGARIA.

(Population, 1,000,000.)

No Patents granted.
Trade mark registration usually costs £10 10*s*.

DOMINION OF CANADA.

(Population, 5,500,000.)

Kinds of Protection and Duration.—There are two kinds of protection, patents and caveats (or provisional protections). Patents are granted for 18 years, but expire with the earliest foreign patent for the same invention.

In cases where an inventor, wishing to perfect his invention by experiment before applying for a patent, fears that others may forestall him, he may file a caveat, that is, a description of his invention, to be kept secret in the Patent Offices at Ottawa, until such time as he patents the invention.

This caveat remains in force one year, and can be renewed as often as desired.

During the existence of the caveat, should another party apply for a patent for an invention infringing on that forming the subject of the caveat, the Government is bound to give the caveator three months during which to file his application for a patent, when, if the claims to the two specifications be found to interfere with each other, a court, consisting of three sworn arbitrators, is appointed to decide who is best entitled to the invention. The arbitrators, skilled persons, one chosen by each party and the third by the Commissioner of Patents, have power to compel the attendance of witnesses, to take sworn evidence, oral or written, and from their decision there is no appeal. A similar court decides all cases of interfering applications for patents; that is, cases where two independent applicants lay claim to the same invention.

There is another form of caveat (provisional protection) which can be used when a patent has been applied for abroad. If this caveat be applied for within three months of the grant of the first foreign (or British) patent for the same invention and a patent be applied for in Canada within a year of the grant of the said first patent abroad, the Canadian patent holds good against infringers who began infringing during the period between the dates of the respective applications for the foreign and home patent.

What can be Patented.—Any invention capable of being patented in Great Britain, is also patentable in Canada.

Patents for inventions previously protected abroad must be applied for in Canada within one year of the date of issue of the earliest British or foreign patent for the same invention, and within one year, also, of their first introduction into Canada. The Canadian officials are very liberal on this point, and have, in urgent cases, accepted a telegraphed guaranteed application,

by a responsible party, so that it might be officially entered within the required period. Any one commencing to work the invention in the Dominion, prior to the date of the patent, or of provisional protection when that is applied for, can continue to use or sell the specific article so worked, in defiance of the inventor. But provided that working, etc., took place only within one year prior to the application, it will not invalidate the patent.

Who can Patent.—Any person being the true and first inventor, his executor, or administrator, or his assignee of such invention, can become a patentee.

Taxes.—Patents are subject to taxes and other formalities, before the end of the sixth and twelfth years respectively, in default of which they become void. These payments can, however, be paid at the commencement, in which case no formalities are required.

The applicant for a patent is sometimes required, before the patent issues to him, to supply, if the case admits of it, a neat working model, on a convenient scale, but not more than twelve inches in any dimension; or, if the patent be for a composition of matter, a set of samples may be required, including a specimen of the composition, and of each of the ingredients used, except such as are disagreeable or dangerous to keep. These specimens must be neatly and separately packed in bottles, and labelled. These are, however, seldom now required.

Working.—The invention must be "worked" in Canada within two years of date of the grant, or such extension as may be officially authorised, and must be continued in "operation" to such an extent that any one can purchase the products thereof at a reasonable price, or the patent can be annulled at the suit of any party. But if before six months after the grant, the patentee applies to have his

patent placed under the compulsory license clause, then this is inoperative.

Compulsory License Clause.—If a patent granted under this clause be not worked sufficiently for the reasonable requirements of the public to be fulfilled, the Commissioner shall have power on the application of a third party and after hearing the patentee, to grant a license to such party to work the invention on such royalties and terms and with such restrictions as the Commissioner of Patents shall deem just./ The patent will also be forfeited if it be proved that goods made on the principle of the invention were imported into Canada with the knowledge or connivance of the owner of the patent, or any of his assigns, licensees, or agents, after the expiration of twelve months from the date of the patent, or such extension of the period, not exceeding one year at most, as may have been officially granted, on special application. This clause, too, has been very liberally interpreted; the importation of a specimen machine to solicit orders with, and to act as a model to make others by, having been decided to be not a sufficient amount of importation to destroy the validity of the patent, even though sold and publicly worked in Canada.

Further, the importation of all the separate parts of a lot of machines which were put together in Canada was held not to be an importation of the patented article.

The Commissioner has power to extend the time for working to four years, and the time for allowing importation to two years, on good reason being shown.

Amendments.—If from any cause an inventor find that his patent is invalid by reason of its claiming parts that were old at the date of the patent, or that were the invention of others, or that he has inadvertently not claimed a part of the subject-matter

of his specification that he might have done, and would like to do, he can either file a disclaimer of the old portion or surrender his patent, and obtain a new one for the unexpired term of the eighteen years, or any part thereof, with fresh claims. The new or re-issued patent must, however, not contain any subject-matter other than set forth in either the drawings on the body of the original specification, or clearly shown by the model supplied with the application.

Government Use.—The Government of Canada may always use any patented invention, paying such royalty as the Commissioner of Patents may decide to be proper.

Assignments to be valid against third parties must be registered at Ottawa; and if an inventor fraudulently, or by error, assign his patent to two different parties, the assignment that is registered first is the only valid one.

Infringers may be prosecuted for damages in the court of record of the district in which the infringement occurred. Such court can grant injunctions, damages, and costs.

Deceit.—If anything be added to, or omitted from, a specification, with evident intent to deceive or mislead, the patent is void.

Marking Patented Articles.—All patented articles must be stamped "Patented," with the year of grant of patent, thus "Patented 1895." Any patentee offering for sale any patented article not so marked, is liable to a fine not exceeding £20, or imprisonment not exceeding two months.

Any one fraudulently marking any article with the word "Patented," or any word or words of similar meaning, is liable to a fine not exceeding £40, or imprisonment not exceeding three months, or both at the discretion of the court.

About 3,300 Canadian patents are issued per annum.

Usual cost:—

Patent Paid up for 6 years,	£18
„ 12 „	£22
„ 18 „	£26
Extending from 6 to 12, or 12 to 18 years,	£7
„ 6 to 18 years	£12
Caveat, one year...	£6
Working a patent	£8
Arranging patent under compulsory license clause	£3 3s.
Registering a Specific trade mark ...	£9
General Trade mark for all goods ...	£11

CAPE OF GOOD HOPE AND BRITISH BECHUANALAND.

(Population, 2,400,000.)

Patents are granted provisionally for six months. The inventor or his agent gives notice to proceed. The Attorney-General appoints a day of hearing, and the applicant for the patent is required to advertise the facts in a given form in various papers. At the day of hearing any one can oppose the grant, and the Attorney-General may call in to his aid a technical or scientific assessor and can, if he think it right, refuse the patent and can decree costs. If there be no successful opponent and the case appear in order, the Attorney-General grants a warrant for the patent to issue, and if the applicant duly pays the fees within the statute limit it is issued.

A patent is issued for a term of fourteen years but expires with the expiration of any prior foreign patent for the same invention. Disclaimers are allowed so that patents claiming what would make

them void can be amended, and in cases where there has been only some obscure publication of the invention before the patent was applied for, the Governor can after due advertisement and after hearing all interested parties, grant a confirmation of the patent making it valid.

Unauthorised use of the word Patent or equivalent (or name of the patentee) subjects the user to a penalty of £100, one half of which and costs goes to the informer.

There are taxes at the end of the 3rd and 7th year. In other respects the law is like the English.

Average costs, Patent	£25
Tax including agency fee before end of 3rd year	£12
Tax including agency fee before end of 7th year	£22
Trade mark registration	£14 14s.

CEYLON.

(Population, 3,750,000.)

The Patent Law is now assimilated to that of British India.

The only person recognised by the courts or Government as the owner of a patent is the person in whose name it stands on the register, and even a fraudulent assignment of a patent by such registered owner will hold good against a lawful purchaser of the right if the fraudulent assignment be registered first. It is therefore very desirable to register at once all assignments.

Applications must be filed in Ceylon within a year from the date of the acquisition of a patent for the same invention in any country. Usual cost, £23.

Annual taxes due before the end of the 4th, 5th, 6th, 7th, and 8th year, each £6; each subsequent year, £10. Extra fees, including agency for paying fine within one month after due date, £1 15*s.*; two months, £2 10*s.*; three months, £3 10*s.* Trade marks, £13.

CHANNEL ISLANDS.

(Population, 97,000.)

In Jersey and Guernsey an English patent can be re-registered in the Royal Court of the respective island. Usual Cost, Jersey, £11; and Guernsey, £10. Trade marks, Jersey, £6; Guernsey, £4 10*s.*

CHILI.

(Population, 3,300,000.)

Patents of invention are granted for a term not exceeding ten years for absolutely unpublished inventions. The term near its expiration is frequently extended on petition in the case of really meritorious inventions. Each application before being granted is submitted to a scientific commission to decide whether it be novel and useful, and worth a patent. Their deliberations are kept secret, and according to their decision the patent is allowed or refused; from this decision there is no appeal. If a patent be allowed, a definite time is given to the inventor in which to start the manufacture. The ten years granted for the patent begin from the termination of said term allowed for starting, and if, at such termination of term for starting, the manufacture be not in practical operation in the country, the patent is annulled. A model or specimens are sometimes required. Infringing a patent knowingly is a criminal offence, as is also the fraudulent application for

patent. The law is very favourable to the patentee against infringers, and is easily put in force.

The cost of a patent varies considerably, but from £75 to £100 the usual figure in a complicated or chemical case; but £20 of it need not be paid till the patent is allowed.

Cost of registering a trade mark, £10.

CHINA, INCLUDING MANCHURIA.

(Population, 400,000,000.)

The Chinese Government have decided to establish a Patent and Trade mark Registration System and a scheme has been laid before the Governments of Great Britain, the United States, and Japan, but nothing is really fixed as regards patents at date of going to press.

Trade mark registration at present one class, £18; extra classes, £14 each.

COLOMBIA.

(Population, 5,000,000.)

Patents are granted to the true and first inventor for five, ten, fifteen, or twenty years; but to expire with any prior foreign patent for the same invention. There is no examination as to novelty or utility.

A patent for an entirely new industry must be worked within a year of grant, and working not suspended for a period of one year. It can be declared void if found to be an infringement of a prior-existing patent, or if not worked as above, or if it violates vested rights in existence at the date of application.

Usual costs, £35 + £2 8*s.* for every year the patent is required. Trade marks, £10—term unlimited.

CONGO FREE STATE.

(Population, probably about 15,000,000.)

The Belgian law, altered in a few minor details of procedure in taking out patents, etc., has been enacted for this State. Assignments and licenses to be valid should be notified to the Department of Foreign Affairs in Brussels. There are no annual taxes.

Usual cost of patent, £17. Trade mark, £6.

COSTA RICA.

(Population, 322,000.)

Patents are granted by a special Act of Legislature. Average costs, Patents, £70. Trade marks, £19.

CUBA.

(Population, 1,600,000.)

Patents are granted for seventeen years to the inventor, his agent, or assignee, and must be worked within one year of grant of certificate.

Usual cost: Patent, £28. Trade mark, £13.

DENMARK AND ITS POSSESSIONS.

(Population, 2,450,000.)

There are three kinds of patents, "Invention," "Dependence," and "Addition."

Patents of "Invention" are granted for fifteen years for any new invention which can be utilised in industry, or become an object of manufacture, except medicines, foods, and methods of making food. By "new" is meant not yet openly applied in Denmark or published in print anywhere to such an extent as to enable an expert in the trade to which it relates to work it.

Patents of "Dependence" for important alterations or variations on existing patented inventions are granted to the inventors of such alterations, but without right to use the original invention.

Patents of "Addition" are granted for additions to patented inventions, to the patentees of the original invention, to expire with the original patent.

A patent prevents others from importing, selling, or manufacturing the invention, or using the patented product without the consent of the patentee, except use on ships or vehicles temporarily in the country and fitted with the invention abroad.

All patents except those of addition are subject to an annual tax on pain of forfeiture of the patent. If this be omitted to be paid when due, it can be paid within three months with an additional fine.

By Act of Parliament a patent can be purchased by the State, the amount being settled by arbitrators. A commission of five members (with power to call in experts) examines all patent applications as regards novelty, utility, completeness, and clearness of description, and whether the case embraces more than one invention. The applicant has the right of being heard by the Commissioners and of correcting his case to suit their views, but the Commissioners, if the corrections be serious, can require the patent to be dated as of the date of filing the correction instead of that of the original application.

The case on successfully passing the examiners is advertised and laid open to public inspection for eight weeks, during which it can be opposed, and in such an eventuality the Commission hears both parties.

A non-resident inventor must have a resident agent in the kingdom, and if that agent die or cease to represent the patentee, the latter must within a reasonable time appoint another representative willing to

act, or the patent will be declared void. The representative of his local patent agent usually acts as resident agent until the inventor chooses to appoint another.

A patent must be worked within three years of the issue thereof, and the working must not afterwards be discontinued in the realm for one whole year at a time, or the patent will be declared void. The Commission can, however, grant an extension of this time, or even relieve the patentee of the obligation to manufacture, especially where it is shown that the expenses of so doing are out of reasonable proportion to the demand in the realm, and that the patentee has arranged that the patented article can always be purchased at some place in the realm.

Any interested person can bring an action to annul a patent on the ground of want of novelty, utility, or legality, or its interference with his legal rights; and if two persons apply for patents for the same invention, the first applicant is considered the rightful owner without very strong proof to the contrary.

Denmark has joined the Union for the Protection of Industrial Property, and has extended the protection under the terms of the Union to twelve months from the date of the earliest application in a country of the Union.

Average costs, Patent of Invention or Dependence . .	£13 0s.
Addition	£11 0s.
Annual taxes to be paid as follows:—	
Before end of each of first two years .	£2 12s.
,, ,, ,, next three ,, .	£4 0s.
,, ,, ,, ,, ,, ,, .	£6 19s.
,, ,, ,, ,, ,, ,, .	£13 6s.
,, ,, ,, ,, ,, ,, .	£19 10s.

Taxes can, however, be paid with a grace of three

months on payment of a fine of a fifth of the amount of the tax.

Trade mark, £8.

DUTCH EAST AND WEST INDIES.

(Population, 35,000,000.)

There is no patent law in Holland or any of its Dependencies. Usual cost, £10. Curaçao and Surinam register trade marks, £10 10*s.* each colony. The remaining colonies Sumatra, Borneo, Celebes, Java, and Madura, £10 10*s.* for the lot.

EAST AFRICA PROTECTORATE.

(Population, white, 3,000.)
(Population, coloured, 4,000,000.)

The law and costs are practically the same as those for India, except that in place of annual taxes £13 has to be paid before the end of the fourth year, and £26 at the end of the eighth year. Agency is included in these amounts.

ECUADOR.

(Population, 1,270,000.)

The law, etc., of this country is similar to that of Bolivia, but there is no compulsory registration of trade marks.

Usual cost: Patents, £80. Trade marks, £11.

EGYPT.

(Population, 10,000,000.)

British and other patents can now be extended to Egypt, to continue as long as the home patent lasts.

Average cost, £16. Trade marks, £5.

EGYPTIAN SOUDAN.

(Population guessed at 2,000,000).

The Government has now under consideration legislation for the protection of inventions. Trade marks can now be protected. Usual cost, £9.

FALKLAND ISLANDS.

(Population, 2,000).

Any person having or owning patent registered trade mark or design for Great Britain can have the same extended to the Falkland Islands at a cost of £11 for a patent, £10 for a design or trade mark.

FIJI ISLANDS.

(Population, 125,000).

The law is very similar to the British, but the initial costs are much greater. There are no taxes after grant, no compulsory licensing, and a patent falls with the earliest expiring British or foreign patent for the same invention. Duration otherwise fourteen years.

Cost of patent about £45. Trade mark, £15.

FINLAND.

(Population, 2,500,000.)

Has at present a patent law independent of the Russian.

Patents of invention are granted for fifteen years (and patents of addition to expire with original patent) for new inventions other than foods, drinks, medicines, clothes, or chemical substances—but a new mode of manufacture of any of these latter is patentable. By "new" is meant not published in

the realm prior to application for patent, but if already patented abroad a patent is held as new in the realm if not published more than six months. There is an examination and publication, and oppositions can be filed.

If an invention requires the use of a previously patented invention for its successful working, it is still granted, but the fact and the number of the prior patent is set forth in the patent. Appeals are allowed from the decision of the examiner. There is a compulsory working or license clause very like the German with, like the latter, a three years' limit.

Usual costs: Patent, £17.

Annual taxes, including agency, £2, end of 1st and 2nd year; £3, end of 3rd, 4th, and 5th year; £3 10s., 6th, 7th, and 8th; £4, 9th, 10th, and 11th; £4 10s., each of remaining years.

Trade mark registration, £7.

FRANCE AND COLONIES.

(Population [France], 39,000,000.)
(„ [Dependencies], 77,000,000.)

Kind and Duration of Patents.—Patents of invention are granted for fifteen years, but fall void with any prior foreign patent for the same invention, except when obtained under the rules of the International Union.

Certificates of addition are granted for additions to, or improvements on, any existing patent, and to expire with the same.

The duration of patents can only be extended by special Act of Legislature, very rarely obtained.

Who can Patent.—Any one, citizen or alien, being the true and first inventor, his executor, administrator—or in practice his assignee—can obtain

a patent. If two join in the invention, it must be taken out in their joint names, and each has the right to use the invention independently of the other. In applying for the patent, no oath or declaration is required, as in England and the United States, but the applicant is considered the true and first inventor till proved the contrary by the rightful owner of the invention. An inventor who has assigned his invention to the party who patents it is debarred, by that assignment, from contesting the validity of the patent, but such assignment, if made out of the Republic, must be legalised by a notary and French Consul to be accepted in French courts without other evidence.

A public functionary cannot legally patent an invention relating to the branch of service in which he is directly employed, but he can patent an invention in another line.

For the first year of the existence of a patent no one but the patentee, or others holding rights under him, can obtain a certificate of addition based on the said patent, but any one during that period can cover an improvement on the said invention by an independent patent, or he can file a secret application for such a certificate. In the latter case, if the improvements be not claimed by the original patentee before the expiration of the said year, such certificate or certificates are granted to their respective applicants in order of priority of application. In such cases, neither the owner of the original patent, nor that of the certificate of addition, can use the other's invention without license.

If specially asked for, a delay of one year from the date of application is allowed before the patent specification is made public, but there is some doubt whether an action for infringement can be commenced before the publication of the patent.

Subject to the above, the specifications with their drawings are now printed and published immediately after grant, and can be purchased at two francs each. One copy is, however, sent free to the patentee, who has three months to point out any errors that there may be in it, when they will be corrected. After this period the document will be considered as an authentic copy of his specification.

Patent specifications and drawings are now published (unless a delay as aforesaid has been specially petitioned for) in separate form immediately after grant. Cost, 2 francs each. The payment of tax after the proper time has expired can now be effected, and the patent revalidated by the payment of an extra tax, which with agency charges comes to about 15*s.* if the delay has been less than a month; £1 if less than two months; and £1 5*s.* if less than three months.

See also "Union for Protection of Industrial Property."

After the first year of the life of a patent any one can obtain certificates of addition based thereon.

If one man employs another to invent, the employer is legally the true inventor of any resulting invention.

Also the inventions of employés, relating to the trade in which they are employed, belong to their employers.

Rights conferred by Patent.—A patent gives the sole right of making, selling, or using for commercial purposes the patented article or process on French territory, and of preventing the importation of the articles patented, or made by patented process.

A patent cannot extinguish rights already existing at the date of the patent; consequently, if any person be secretly in possession of the patented invention and using it at the date of the patent—though such use will not invalidate the patent—

he can continue to use it during the entire period of the patent in defiance of the patentee.

During the continuance of the patent, the inventor can make additions to his specifications at any time, obtaining a certificate of addition therefor to expire with the original patent, and not subject to any other tax than that paid on applying for the certificate.

Certificates of addition secured by a person having an interest in the original patent form parts of the principal patent in the eye of the law, and the registered purchaser of a principal patent can enter an action for infringement of a certificate of addition, granted to the original patentee of the principal patent, though the certificate be not mentioned in his deeds of transfer.

If the owner of a patent, after being shown or convinced in any way that his patent is invalid, use it as a means of menacing his rivals in trade or their customers, he is liable to fine or imprisonment under the criminal code.

What can be Patented.—As a rule, any new industrial product or new means or new application of old means for obtaining an industrial product can be patented.

The following are not patentable, however :—

(1) Pharmaceutical compositions or remedies of any kind, the said objects remaining subject to the special laws and regulations for these matters, and especially to the decree of August 18th, 1810, relating to secret remedies.

(2) Schemes and combinations referring to credit and finances.

New designs (not involving any inventive talent or any new principle or new result) cannot be validly patented, but can be protected by filing them at the *secrétariat du conseil des prud'hommes.*

Ornamental and other designs in sculpture are fully protected without such filing under the law of July 19th, 1793.

The following have all been decided to be patentable inventions, *provided they produce a new industrial result*:—

(*a*) A new process for producing an old article.

(*b*) A new application of a known means or process, or the application of a known means or process in a known way to an entirely different industry.

(*c*) The new practical application of a known chemical fact or theory.

(*d*) The new combination of two or more old parts or old processes.

(*e*) The mere alteration of the order in which certain steps in a known process are taken.

(*f*) The mere alteration of relative proportions or quantities, or even degree of temperature at which an old combination, compound, or process is worked.

(*g*) The application of an old substance, process, or machine to a use not analogous to any to which it had been applied previously.

(*h*) The mere omission of one part of a known process, or of one ingredient in a known compound hitherto supposed to be necessary to that process, or to the purposes for which the compound is applied, is patentable, if it produce the same result as the complete combination did, while saving the expense of the discarded part.

The mere use or employment of an old article in a new way, or the use of a machine or process hitherto used for manufacturing one substance—say, linen—to manufacturing another material—say, cotton or silk—is not patentable, unless a new industrial effect is

produced thereby not analogous to that produced heretofore.

Similarly, mere changes of form, dimensions, or materials are not patentable, unless they produce a new industrial result, or a novelty in the process.

A greatly superior yield, if directly resulting from the alteration or change, is a new industrial result; but the mere cheapening or improving of a known product, by greater skill in manufacture, is not a patentable invention.

A new industrial result is not patentable in itself, but only the means or process by which it is obtained, or the new product resulting therefrom.

A new industrial result need not be useful in order to be patentable; it is sufficient that it be novel; and in an action for infringement it is no defence that the patent infringed is useless; but this point can be considered by the judge in estimating damages.

The *juges du fait* have, in the first instance, the decision as to whether an invention be validly patentable, and from them appeal can be made to a superior court.

The patent must be limited to a single principal object, with the details that constitute it, and its applications, which should all be carefully enumerated and described.

In practice, the officials are generally liberal on the point as to what can be patented in one application, but some persons who have been in charge of the Patent Office have been much stricter than others. As a very exceptional case, we once obtained a patent for a Liverpool inventor, having more than three hundred drawings, and corresponding letter-press, the principal object being the manufacture of salt, and the objects of detail being the arrangements of plant and details of about forty different varieties of machines for treating salt. It was,

however, by far the most voluminous specification for which a patent has ever been granted by the French Government, and is even now exhibited at the Ministry as a curiosity.

Should the Minister reject the demand, there is an appeal to the Council of State or a fresh application or applications can be made. If, however, the invention have been published in the meantime the patent will be of doubtful validity.

If a patent be once granted, it cannot be annulled afterwards on the ground that it contains more than one principal object.

In patenting a process as the principal object, the obtaining and purifying of various by-products can be claimed.

Novelty.—For the patent to be valid, the invention must be "new," that is, must not have been publicly used or described in any printed book in any country, or in any manuscript open to public inspection in any public library or patent office, in any country, before the date of the application, or of priority obtained under the Union for the Protection of Industrial Property, of which France is a member (see page 194), in such manner that from the description a man skilled in the trade could understand and work the invention. A French patent must therefore always be applied for on or before the date on which the English final or complete specification is accepted, the German patent is allowed, or American patent issued, except in cases where the provisional protection of the Union for the Protection of Industrial Property for the time being protects the inventor. The fact of an invention proving extremely valuable on being introduced to the trade is, as in England, *primâ facie* evidence of novelty.

Mere experiments, or secret use prior to the

application for the patent, do not nullify it, unless proved to have resulted in *commercial* success. Thus a patent for the manufacture of a pigment was held valid after it had been proved that the whole process had been published prior to the date of the patent as a laboratory experiment.

So long as any part of a patented invention be not proved to be old, or otherwise invalidated, the patent for that part of the invention is valid, even though all the rest have been declared null and void by a *court of cassation.*

Licenses and Assignments.—A patentee may transfer the whole or part of the proprietorship of his patent.

The transfer of the whole or part of the patent, either gratuitously or for a consideration, can only be effected by a notarial deed and after the payment of the whole of the prescribed taxes otherwise payable annually.

It is the general rule, but not an absolute one, that no transfer is valid as regards a third party, before it has been registered at the Secretary's office of the Préfecture of the Department in which the deed has been executed.

The registration of transfers and all other acts concerning mutation are made on the production and deposit of an authenticated extract from the deed of transfer or mutation.

A copy of each declaration of registration, together with the extract from the deed above mentioned, must be forwarded by the Préfects to the Minister of Agriculture and Commerce within five days of the date of the declaration. These can be inspected and copies obtained at the Ministry.

There is no penalty for non-registration.

If a patent be sold many times over, and the final owner register the successive transfers (having

previously paid up the taxes), such registration is sufficient, though all the previous transfers escaped registration up to that date.

The purchaser of a patent leaving his title unregistered for a long period, and then registering it, becomes at once the lawful owner of the patent.

A transfer is valid, as regards the actual parties to that transfer, without registration.

The unregistered owner of a patent cannot bring an action for the infringement of that patent.

If, however, in the case of an unregistered transfer, the registered owner join the actual owner in an action against an infringer, they can obtain damages.

If two parties innocently purchase the same invention from the registered owner, and the second purchaser in point of time registers his transfer first, fulfilling all the formalities required, he becomes the actual owner, and his purchase, except in special circumstances, is usually held good, even against an unregistered earlier purchaser of the same invention from the same former owner.

If a transfer of the rights in an invention take place before application for a patent, and the purchaser take out the patent in his own name, the transfer cannot be registered, but must be made before a notary, and (if outside the realm) the notary's signature legalised by the French consul, and should be preserved ready for production in case of any one bringing an action to upset the patent on the ground of the patentee not being the inventor.

A patentee selling a patent guarantees, by such sale to the person buying it from him (but not to subsequent owners), that it is, as far as he is able to ascertain, valid; that the statements contained in the specifications are true; and if it be afterwards

proved that any part or the whole of the specification be untrue, or that the product cannot be obtained by following the description of the process described, a judge can decree the annulment of the assignment and the restitution of an aliquot part or the whole of the purchase money.

If, however, a patent be sold for a given annuity during the continuance of the patent, or for a given royalty on the product, and it be afterwards declared void, the vendor cannot be made to refund past payments, but, with the nullification of the patent, the contract ends.

Until, however, the nullification be pronounced, the contract is good, and royalty due up to the date of nullification must be paid by the licensee.

It is customary, nevertheless, in cases of assignment or license, for a special clause to be inserted binding the patentee to return the purchase money in case the patent be declared null from other cause than non-payment of taxes, subsequent non-working, or expiration of term granted.

Should a part of the patent be nullified, a proportionate part of the purchase money can be similarly exacted by order of a court. A licensee is, in like manner, protected to the extent of the consideration paid for his license, but not for royalties already paid.

On the annulling of a patent, all licenses become void.

A patent can be seized for debt.

A patentee selling a territorial right (his rights for Normandy, for instance), or a part or the whole of his patent, can recover damages if the assignee of that part exceeds his rights or sells beyond his territory; but he cannot, except in special cases, seize the goods so sold, or prosecute other parties using them, as the latter purchased them from a

licensee, and were not supposed to know the extent of the license.

The license of a patent, even for a share of the profits, does not constitute a partnership between the parties, unless there be a special clause to that effect; and if the licensee do not fulfil the terms of his license, the Tribunal of Commerce can annul the license and decree damages.

If a partnership in a patent be dissolved, any one of the partners can appeal to the Tribunal of Commerce to have the patent sold and the price obtained divided ; but if the partners agree that each shall work the patent independently of the others, then neither of the co-owners can from thenceforth claim the protection of the Tribunal in this way.

Should a patentee, a member of a firm or company, sell his patent to that firm or company, he is still the owner of the patent as far as third parties are concerned, until the transfer is registered.

Taxes.—A patent is subject to an annual tax of 100 francs, payable before each anniversary of the application, on pain of forfeiture of the patent.

This tax can be paid all at once, or by instalments, at any time. If by any chance the annual tax be not paid when it becomes due, it can be paid any time during the ensuing three months on payment of an additional fine of 5 francs for the first month, 10 francs for the second month, and 15 francs for the third month.

There are no annual taxes on certificates of addition, but these become void with the principal patent on failure to pay the tax on the latter.

If a principal patent and a certificate of addition thereon be separately owned, either party can pay the taxes to prevent the original patent (and consequently the certificate of addition) from falling

void. Neither, however, can force the other to pay his quota. If both parties pay independently of each other, the Government will return the second payment on production of the first receipt. There are no means of knowing whether a tax has been paid or not during the current month, but information of all payments up to within a month of date can be obtained on application at the Ministry of Agriculture.

Certificates of Addition are null if for objects different from that of the principal patent. Thus, if the latter be for a product, and the certificate for a process of making that product, or *vice versâ*, the certificate is invalid; but an addition to the process, or an alternative sub-process to form a part of that originally patented, provided it be operative to the same end, or an improvement on the product claimed in the first instance, can validly form the subject of a certificate of addition.

A certificate of addition granted to any shareholder or licensee of the original patent, becomes the joint property of all the proprietors in the same proportion as the original patent.

Amendment.—A patent invalid by reason of insufficiency or other defect in the description, cannot be made valid even by a "certificate of addition," though the added specification supplies the deficiencies of the original one, and makes it clear. Inexactitude is as bad as insufficiency of description, and equally nullifies a patent, even when unintentional.

Working.—The patentee whose invention is not worked and who does not make *bonâ fide* efforts to work it within the realm, within two years, from date of grant (three years from *date of application*, if taken out under the convention of the Union for the Protection of Industrial Property), or who

abandons the working of it for two consecutive years, loses all right to his patent.

If any one "work" the invention during the two years, it suffices, it being immaterial to the question whether the inventor licensed him to do it or not.

Working invention in part has been held sufficient; working a machine having a slight difference in design but the same in principle to that patented, will be sufficient working. Substantial efforts to get the trade to take it up, advertising the invention for sale, and exhibiting it in a public exhibition, all severally constitute sufficient working to satisfy the law.

Proof or working should be registered within the two years following the grant of patent, and if the inventor cannot arrange it in time the Patent Agent usually attends to it at a charge of from £8 to £10. Poverty, the fact of the patent being held an infringement of an existing patent, and that there was no demand for the invention at the time, have each been held sufficient excuses for not working a patent during the two years from date of grant.

Infringements.—Every interference with the rights of a patentee—either by manufacturing products or by using means forming the subject of his patent—constitutes the offence of an infringement.

That offence is punishable by a fine of from one hundred to two thousand francs (£4 to £80). The patentee can also bring an action for and obtain damages from the infringer.

An imprisonment of from one to six months may also be inflicted whenever the infringer is a workman or person employed at the workshops or in the establishment of the patentee, or whenever the

infringer, after having gone into partnership with a workman or a person employed by the patentee, has become acquainted through the latter with the processes described in the patent.

In the latter case, the workman or person employed may be prosecuted as an accomplice.

It is an infringement of a patent for a new product to make that product by a different process from that set forth in the patent specification, or of different ingredients or materials.

It is an infringement the making of a product or the working of a process differing in unimportant details from that protected, but involving the principle of the patent. If an invention be for a combination of old parts, it is an infringement of the patent to manufacture or import those parts separately with a view to their being put together to form the invention.

It has been held an infringement of the patent to repair or renew, without license, worn-out parts of a machine originally purchased from the inventor.

Working the invention for one's own personal use is an infringement.

If a man infringes a patent while in the employ and at the command of another, the latter alone is liable for infringement.

A licensee who goes beyond his license is liable for infringement.

Articles seized from the inventor for debt can be sold and used without infringing.

If any one, prior to the date of the patent, possessed the patented article in France, he has the right to continue to use it throughout the duration of the patent without being accounted an infringer.

Actions cannot be maintained for infringements

made more than three years prior to the commencement of lawsuit; but if the infringements have been continuous, or repeated over a lengthened period, and a part of them have been committed within the three years, an action can be brought for the entire series. But an action must cover all the infringements up to the date of action; and after the suit at law no further action can be brought against the defendant for infringements made prior to said suit.

It is sufficient defence of an infringement that the part of the patent which is alleged to be infringed was, prior to the date of the patent, published in any country sufficient to enable any one to work it, or described in a prior patent which has fallen into the public domain, or of which the plaintiff has not acquired the rights, if still in force.

The patentee can obtain as damages in a civil action all profits that he could have made on the articles counterfeited, and satisfaction for injuries to his business that he can distinctly prove to be caused by the infringement.

The carriage of a patented article made abroad, in transit through France, is an infringement, even if destined for export to another country,—thus the patented articles, made in Holland, where there is no Patent Law, if sent through France to a country where the invention is not patented, can be stopped and confiscated at the French Custom House.

Importation of Patented Articles.—A patent can be annulled if it be proved that the inventor, his agents, or any one with his or her connivance, has imported into the realm a specimen of the patented article manufactured abroad. France, has, however, joined the Union for the Protection of Industrial Property, and by so doing has agreed that this clause

shall be inoperative against patentees of the other nationalities of the Union (which includes Great Britain and the United States).

In a trial, where a man in Paris contracted with an American inventor to manufacture the American's invention in France, and supply it at a given price to the American's customers, and the contractor, instead of so doing, employed an agent in the United States, before that country joined the Union for the Protection of Industrial Property, to buy from the inventor and forward the machines to Paris, where they were regularly supplied, at sale price, by the contractor, it was held that this did not invalidate the patent, and that the patentee was not bound to interfere in the matter, but could, and, in fact, did, allow this singular trade to continue, to his own and the contractor's benefit.

The Minister of Agriculture can authorise an inventor, citizen of a state not in the Union, to introduce a single specimen of his invention by official permit; such permit can generally be easily obtained. During the *régime* of a late minister of agriculture they were, however, almost uniformly refused.

Importing the material for manufacture does not affect the patent. The article imported, to do any harm, must be in such a state of completeness that, if made in the realm, it would be held to be an infringement of the patent.

Nullification.—Any interested party can enter a suit to have a patent declared null. Any inventor in the same branch of industry is an interested party in the eye of the law.

A patentee can withdraw his application at any time within two months of the date of filing, when £4 will be returned.

Marking Articles.—Whoever, in his advertise-

ments, prospectuses, labels, stamps, etc., uses the word "breveté" or "brevet" (patented or patent) in connection with the patented article, without adding the words "*sans garantie du gouvernement*" (without guarantee of the government), is liable to a fine of not less than £2 or more than £40. In the event of a repetition of the offence the fine may be doubled. The initials "s. g. d. g.," though almost universally used, have been held on one occasion not to be sufficient. Any one using the name, title, or trade mark of an inventor without his sanction, or marking a thing "patent" that is not patented, can be made to pay damages to the owner of the patent nearest resembling it.

Specifications are now printed and published separately (and without waiting for two years and then publishing them in the volumes as was the case till 1901). Cost of a printed specification, three shillings. One copy is sent to the patentee, who can notify the officials during the space of three months of any errors or inaccuracies therein when they will be corrected, after which the document will be considered a true copy of the specification and unalterable.

About 11,000 original patents are taken out every year in France, and the number issued up to December, 1904, was over 346,000.

Usual costs: Original patent, £12 to £14.

Certificate of addition, £10.

Annual tax on original patent, including agency fee, £5.

Securing certificates of working, £9 to £10.

Application for permit, £1.

Registering a trade mark, £4 10*s*.

Registering a design, £4 15*s*.

GAMBIA AND PROTECTORATE.

(Population, 144,000.)

The law is almost a copy of the British with these exceptions. An assignee can apply for a patent and the holder of a patent in any other state or colony can get that patent registered for Gambia for the remainder of the period for which such foreign patent was granted. The fees are double the fees exacted in Great Britain.

Usual costs: Provisional protection, £7.

Completing same, £13.

Registering foreign patent in the colony, £25.

Taxes at end of 4th and subsequent years, £10, £10, £10, £10, £15, £15, £20, £20, £20, and £20. Fee arranging tax, £1.

GERMANY AND COLONIES.

(Home population, 59,000,000.)

(Colonies, 14,000,000.)

Kinds and Duration of Protection.—There are three kinds—Patents of Invention, of Addition, Registrations of Design. The first last for fifteen years subject to annual taxes. The second (additions to or improvements on existing patents) are granted to expire at the date when the original patent would expire—the taxes of the original patent serving for both. The third for three years renewable for a further term of three years for novelties of useful design. These will be treated in a paragraph to themselves, the following information applying only to the first and second class of patents.

Who can Patent.—Any person the true and first inventor or his assigns, and practically any applicant with the connivance of the inventor, can obtain a patent.

A person outside the realm can only obtain a patent through a representative in the country. This person, usually the correspondent of his local patent agent, represents the patentee in all civil law suits, and can enter criminal suits for infringing said patent.

What can be Patented.—Any invention permitting of an industrial exploitation, with these exceptions—foods, drinks, medicines, and chemical products are not patentable. Where, however, a new chemical process is patented, the patent is held to cover such products as are actually manufactured under that process. In the case of imported articles where there is good reason to suspect that they are made by a given patented chemical process, the burden of proving that they are not so patented rests with the importer, and in default of such proof they are held to be infringements. Two separate inventions cannot be granted under one patent. This rule is rigorously enforced.

Novelty.—For a patent to be valid the invention must not before the date of application for the patent have been publicly used in the Empire, or published in any book or public print, within a hundred years prior to the date of the patent, to such an extent as to enable a person versed in the trade to manufacture it.

Germany having joined the Union for the Protection of Industrial Property, Patents taken out under the convention and based on a foreign application applied for within the previous twelve months, are not invalidated by publication after the application for such foreign application.

Official publications of certain countries which have granted reciprocal privileges are not considered publications within the meaning of the above clause till three months after their issue. Neither Great

Britain nor the United States are in this category at present.

The first person who applies for the patent gets it, irrespective of whether he be the inventor or not, with this reservation—if the applicant be proved to have obtained the invention surreptitiously or without permission from the description, drawing, models, or devices of another, that other can get the patent annulled, and on application within a month after said annulment can obtain a similar patent for himself, with a date prior to the day of publication of the original patent.

A patent is without effect on any person who has worked or made the necessary arrangements for working the invention in the Empire prior to the application for the patent. Such person can continue using the invention in his own or other workshops according to the requirements of his own business, and if he sells his business this right to use the invention passes to his successor.

Examination.—All inventions are rigidly examined in regard to novelty by the Examination Department of the Patent Office, and many inventions which would pass the United States examiners or a British court of law as novel are refused because the principle of the invention is old. If an application be allowed, it is published and is then open to opposition for two months before being granted; even those applications that are refused on opposition are published, but in any case the applicant on petition can get a delay of three or even six months before publication.

Oppositions and Petition for Annulment of patents are heard by the Patent Office and not by courts of law. For this purpose, the Patent Office is provided with a large staff of judicial and technical experts divided into the application, annulment,

and appeal departments. These three are entirely distinct, members of the application department not being allowed to have anything to do with appeals or annulments, and those of the other departments having no voice in granting applications (except, of course, when these applications have been refused and the decision is appealed against). Outside experts may be called in, but are not allowed to vote. The examiners of the application department are appointed for life. By this machinery there is abundant provision made for appeals from the primary examiner to the rest of the application department, and from them again to the appeal department. In the case of actions for infringement and for nullification there is also an appeal from the appeal department to the Imperial Supreme Court of Leipsic.

An application is refused if found to be (1) not new; (2) not a patentable invention; (3) not drawn up in accordance with the requirements of the law and the applicant declines to amend it; (4) contrary to law and order; or (5) if it be proved that the invention was abstracted from the specifications, drawings, models, implements, or devices of another, or from a process employed by the same.

Rights Secured by Patent.—A patent gives the sole right to make, use, and sell the invention. A patent once granted is guaranteed by the Government until a successful suit be brought against the Patent Office to annul the same, and it is no defence in an action for infringement that the invention is not new, not sufficiently described, or not patentable.

The penalty for knowingly infringing a patent is a fine up to £250, or imprisonment not exceeding one year, and the indemnification of the injured party. The patentee has also the right of publishing

the verdict of the Court at the expense of the infringer.

In a case of the infringement of a patented process for manufacture of a new material, all materials of a like nature are considered as made according to the patent until proof be produced to the contrary. It is no defence in case of infringement that the patent is bad; but the infringer can usually get the case delayed in order to petition the Patent Office for the revocation of the patent if the latter be not more than five years old, and the case will be heard by the annulment department of the Patent Office, which has power, after hearing both sides, to annul the whole or any part of the patent and decree costs to either party. If the petitioner be abroad, he may be called on to deposit security for these costs before being heard. If a patent under this law be on the rolls for five years it is no longer attackable.

Taxes.—Patents of Invention are subject on pain of forfeiture to an annual tax increasing each year.

Patents of addition are granted free of further taxes terminating with the term of the principal patent, but if the principal patent be annulled by a court, the taxes are payable instead on the patent of addition on the day on which they would have to have been paid on the original patent. In this case the date of the patent of addition determines the amount of tax, the period between the date of the patent of addition and the next tax day being considered the first patent year of the patent of addition. The patent terminates at the end of the fifteen years' term of the original patent. The annual taxes can be paid at any time in advance, and, if the patent be officially abandoned before they come due, the taxes already paid but still undue will be returned. If by any chance

they be not paid when they become due, the patent becomes void, but can be resuscitated within twelve weeks of the date of the taxes becoming due by the payment of the said taxes, with an additional fine of 10*s*.

Working.—A patent must be worked in the Empire to an adequate extent within three years of grant, or licenses must be granted to applicants on reasonable terms and security, or it can be annulled as contrary to public interest for it to be maintained. This rule is liberally interpreted. Making efforts to introduce the invention and being prepared to supply the demand may be deemed sufficient, and if there be no demand, and the inventor tries to create that demand and fails, the patent need not be worked till a demand springs up.

The declaration of the court in Wyngaert *v.* Wegmann, 1884, is instructive, where Wegmann manufactured the porcelain rollers of his mill in Switzerland, supplying them for mills manufactured in Germany, and Wyngaert sought to have the claim for the porcelain rollers made void. It is as follows: "As the defendant has not manufactured the patented rollers within three years in Germany, this court has the power to annul the patent, but it does not find any occasion to make use of its power, chiefly on account of the great advantages which have been conferred upon the German milling trade through the introduction of F. Wegmann's porcelain rollers. As a rule, a patent should be declared null and void, if not manufactured within the legal term. In this case, the chief weight of the national economical importance of the machine is not attached to its manufacture, but to its use, and, moreover, the legal requirements of the patent have been satisfied in Claim I.," which was for the machinery or mill in which the porcelain rollers were used.

On the other hand, in a case where 3,000 of the patented articles had been made in the country and 300,000 imported during the same period, and the 3,000 turned out to be the simpler variety, while the more complicated variety made abroad was forbidden to the German licensee, the patent was declared void for want of sufficient working.

Where a part only of the invention has been duly worked, the rights to the unworked part may be declared forfeited. In other cases offers to grant licenses (the inventor not importing articles in accordance with the invention) were held a sufficient working, though no working really took place.

Protection of Useful Designs.—These are granted for new or improved tools, or instruments and improvements in the form of usual devices or of parts thereof, but cannot be made to cover processes, or abstract ideas, or principles. There is no examination as to novelty, and no oppositions to grant are allowed, and where an application for a full German patent of invention for an arrangement of machinery or involving form is likely to be refused, it is a very common and useful resource to apply for a design protection. This protection, however, if the invention be old, can be upset in a court of law. Duration three years, renewable for three years more.

These design patents are becoming very popular in Germany, and are obtained in large numbers.

Actions for infringements of these patents are extremely cheap, and the Court can award either a punishment or a fine not exceeding £250, or an imprisonment of not exceeding one year, and the publication of the particulars of the action and the sentence of the Court at the expense of the infringer. Or, in addition to the above penalty, on the application of the patentee, it can decree damages not

exceeding £500, for which all the infringers—if there be more than one—are jointly liable.

Illegal Marking.—Any one marking goods or providing objects (or the packing of the same) with any marking indicating that the objects are patented, or even in his advertisements, business cards, or paper, using words or marks falsely indicating or likely to induce the belief that a thing is patented when it is not, is liable to a fine of £50.

Publication.—As German patents are published often immediately after application, and are granted irrespective of the duration of foreign patents, it is best in all cases to apply for Russian, Hungarian, and Austrian, and other patents before or simultaneously with the German one. Printed copies of his own patent specifications and drawings can be obtained by a patentee soon after grant at almost cost price.

In December, 1904, the number of patents of invention or addition issued since the opening of the Patent Office at Berlin, July, 1877, had reached 158,000, and nearly three times as many more had been applied for and refused. The Author's firm has, however, obtained about 80 per cent. of all its applications, probably through carefully weeding out unlikely cases, and framing the German applications specially for Germany, instead of following the usual practice with too many patent agents of using the same draft specification for each country.

Usual costs: Original patent, or Patent of Addition, £15.

Design Registration, £5 to £8. Renewing it for three years, £4.

Taxes end of first year, £3 10*s.*; end of second year, £6; and so on, increasing £2 10*s.* each year.

Appeals, from £5. Amendments, £2.

Registering a trade mark, £6 10*s.*

GIBRALTAR.

(Population of Town, 20,000.)
(Population of Garrison, 6,000.)

The Governor can, by ordinance, on the fulfilment of the requisite formalities, extend the scope of a British patent to Gibralter. Cost about £15.

GOLD COAST.

(Population, white, about 3,000.)
(Population, coloured, about 1,000,000.)

Substantially the present English law, altered as regards administrative details to suit the colony, was enacted in 1900 with these exceptions. The assignee, or, in the case of an inventor resident abroad, his agent, can obtain a patent. Opponents must file security for costs, and costs are awarded in case of oppositions to the successful party. Patents obtained in any other country can be extended to this colony if the invention be not yet worked there. The colony has joined the Union for the Protection of Industrial Property.

The taxes are those ruling under the British law of 1852, namely, £50 at the end of four years, £100 at the end of seven, or annual taxes before the commencement of the fifth and subsequent years of £10, £10, £10, £10, £15, £15, £20, £20, £20, £20 respectively. Agency fee, £1 1s.

Usual costs: Patent, Provisional, £6.

Completing same, £12; or complete at start, £16.

Registration of trade mark, £12.

GREECE.

(Population, 2,500,000.)

A special Act of Legislature is required to obtain a patent. Very few are applied for. Greece has now

joined the Union for the Protection of Industrial Property. The cost varies from £60 to £80. Trade marks, £10.

GRENADA AND THE GRENADINES.

(Population, 66,000.)

The patent law is almost word for word with the British, but altered so as to substitute colonial officials and institutions for British.

Usual costs: Patent, provisional, £5; completing, £12; or complete at start, £16.

Taxes, including agency, end of fourth year, £5; increasing £1 annually.

Three months' grace allowed for paying taxes. Cost, £1 10*s*., £3 10*s*., and £5 10*s*. respectively.

GUATEMALA.

(Population, 1,500,000.)

Patents of from five to fifteen years are granted only to inventors resident in the country. Subjects or citizens of countries with which Guatemala has at the time a convention, and who have obtained patents in their own country, can obtain a Guatemalan patent of importation to expire with the original one, but in no case to exceed fifteen years' duration.

Models or specimens are required where the case admits of it.

Working must be commenced in the realm within a year of the grant of the patent, and must not be discontinued for a complete period of twelve months on pain of forfeiture.

An annual tax, assessed by the Patent Office in each case (according to the supposed value of the invention), has to be paid on pain of forfeiture. This tax varies from £1 to £10.

It is a criminal offence to knowingly infringe a patent.

Special concessions are also granted by the Executive with the sanction of the Legislature, and, for a limited period, to any one establishing a new industry, which, though not worked previously in Guatemala, is well known abroad, and by mere publications, or the sale of the produce thereof, in the realm. These concessions may include exemption from taxation, exemption of the concessionnaire and his *employés* from military service, grant of public land for works purposes, and in some cases money grants.

Usual costs: Patent, including the first year's tax, £60.

Special concessions can only be obtained by persons resident in the country, and must be applied for personally.

Trade mark registration, £16 for 10 years.

GUIANA.

See "British Guiana." French Guiana is covered by a French patent. In Dutch Guiana there is no patent law.

HAWAII.

This is now a part of the United States, and comes under the United States law. The few patents granted by the late Governments are, however, unaffected by the change.

HAYTI.

(Population, 1,300,000.)

A patent can be obtained by a Special Act of Legislature. Cost, £95.

HOLLAND (NETHERLANDS).

(Population, 5,300,000.)

No patents of any kind are allowed, but efforts have from to time time been made to again introduce a patent law. Holland has joined the Union for the Protection of Industrial Property, and the Government have stated their intention of bringing in a patent bill, which if passed will be added as an appendix.

Cost of registering a trade mark, £7 10*s*.

HONDURAS (BRITISH).

(Population, 38,000.)

The law, founded on the British law of 1852, is very similar to that now in force in England, except that there is no compulsory licensing and the costs and procedure are different, that the patent falls with the earliest prior foreign patent falling void; and the patent is subject to a tax of £10 at the end of the third year, and £20 at the end of the seventh.

Usual costs: Patent, £64.

Fee for arranging payment of taxes, £2 each.

HONDURAS REPUBLIC.

(Population, 780,000.)

A patent of any foreign country can be extended to Honduras. If the invention be not in use there by independent parties the cost is decided specially for each case according to the presumed importance of the patent. There is an annual tax. Average cost of patent, £5 to £20; and annual tax, £2 to £8.

HONG KONG AND KOWLOON.

(Population, 325,000.)

Patents granted for duration of corresponding British patent if the invention be not already in use in the colony.

Usual costs: Patent, £45.

Registering a trade mark, £16.

HUNGARY.

(Population, 19,400,000.)

Kind of Patents.—There are two kinds of patents: patents of invention, for fifteen years, and patents of addition, to expire with the original patent.

Who can Patent.—The inventor, his heirs, successors (assigns) can validly obtain a patent, and no one else.

What can be Patented.—Any new invention capable of being used industrially can be patented, except medicines, food for men and animals, and chemical products, and, if the Government opposes, warlike inventions. A process for making any of these can, however, be patented, and the process covers the article actually made by that process; but others have a right of making the same article by a different process.

Novelty.—An invention is new only so long as it has not been published in print anywhere, or publicly worked, or patented by others in the realm. Official publications in a foreign state, granting reciprocity on this point to Hungary, may (by treaty with that state) not entail invalidity to a patent afterwards applied for.

Government employés cannot obtain patents for invention made through the knowledge obtained

in their Government employment, provided that the Government opposes the grant.

Patents obtained by fraud of the true and first inventor can be opposed by the latter, and if he be successful he can obtain a patent for himself for the invention.

Patents of Addition for improvements on prior patents can be obtained within the first year of such prior patents by the owners of such prior patents; but if others apply to patent said improvements during the year, their applications are kept secret till the end of the year, and then granted if the owners of the original patents have not, during the year, made an application for the same. Patents of addition are subject to no annual tax so long as the original patent is kept up, but expire when the annual taxes on the original patent cease to be duly paid, or, in any case, on the expiration of the term of grant of the original patent.

Rights Conferred by Patents are practically the same as those in England or the United States; but any person who has begun to work the invention, or who has erected plant to work it in the realm before the date of the patent, can continue to work it in his own works, in defiance of the patentee.

Government Rights.—The Government can compulsorily take possession of a part or the whole of a patent, and compensate the owner.

Working.—If a patent be not worked in the realm within three years from date of grant sufficiently to supply the demand, and the inventor refuse licenses on just terms, especially after three years from the grant, and after due admonition by the Patent Office, the Patent can be annulled.

Annulling Patents.—Beside the clause set forth in the last paragraph, patents can be annulled in whole or in part if it be proved that they ought

not to have been granted for any legal reason, or if the specification be insufficient or ambiguous, or the claims not novel or patentable.

Procedure.—Patent applications are examined as to whether they are in order or whether they are in conflict with others applied for or granted within the preceding twelve months, but not otherwise as to the novelty. There is an appeal from the examiners' decisions.

If allowed the application is published at once or after a delay of not exceeding six months, at the option of the applicant.

Oppositions.—During the next ensuing two months, after the patent is allowed and published, any one is at liberty to oppose the grant on the following grounds,—either that the invention was not patentable or novel, or that the specification is not sufficiently exact or complete, or that the invention does not lawfully belong to the applicant, but had been wrongfully obtained, to the injury of the opponents' rights. Both parties in such case are heard before the judicial section of the Patent Office. No costs are allowed, but the court fees are apportioned against the parties, at the discretion of the Patent Office.

Amendments.—Can be made at small cost before grant, and disclaimers of parts of an invention, or the entire renunciation of a patent, can be made at any time.

Taxes.—An annual tax, rapidly increasing, has to be paid on such patent of invention on pain of forfeiture. A delay of thirty days is allowed, and, subject to a fine of £1, an additional thirty days' grace can be obtained.

Joint Inventors are tenants in common, and each can work the invention or sell his share independently of the other—all parties, however, have to join in

a license to a third party for such license to be valid.

Infringement.—The law is very severe against infringements, and is easily and cheaply put in force. Persons apprehensive of an action for infringement can get a prior judgment from the Patent Office as to whether the article they are making is an infringement of any given patent.

Usual costs: Patent of Invention, £14.

Patents of Addition, £12.

The Taxes, including agency:—

	£	s.	d.
First year	3	18	0
Second year	4	6	0
Third year	4	15	0
Fourth year	5	5	0
Fifth year	6	4	0
Sixth year	7	2	0
Seventh year	8	0	0
Eighth year	9	0	0
Ninth year	10	12	0
Tenth year	12	12	0
Eleventh year	14	13	0
Twelfth year	16	15	0
Thirteenth year	19	0	0
Fourteenth year	25	0	0

Trade mark registration is covered by Austrian.

ICELAND AND DANISH POSSESSIONS.

See Denmark.

INDIA (BRITISH).

(Including Burmah.)

(Population, 234,000,000, not including Native States. Mysore has a patent law of its own.)

Grant and Duration.—A patent is granted for

fourteen years, but falls with the expiration or annulment of the British patent, or if there be no British patent, on the revocation or expiration of any patent obtained for the same invention in any other country. The Indian patent dates from the day of filing the complete specification. The priority and protection, however, dates from the time of application.

Who can Patent.—Any person, the actual discoverer or originator of a new and useful invention, or his executors, administrators, or assigns, can obtain a patent from British India.

Novelty.—For a patent to be valid the invention must not have been publicly used in any part of British India, or of the United Kingdom, nor published in writing or print in either country before the date of application for the patent. The following, however, are not to be considered publications fatal to the validity of a patent :—

(1) Publication or use by third parties where the knowledge of the invention has been obtained surreptitiously, or by a breach of confidence, or in fraud of the inventor, and without his acquiescence, provided the inventor apply for the patent within six months of the commencement of such use or publication.

(2) The public use of the invention by the inventor, his servants, agents, or persons holding a written license from him, or the knowledge resulting from such use in public, provided such public use occurred only within a period of twelve months immediately preceding the application for a patent.

(3) The public use in Great Britain or India of an invention already patented or protected in the British Isles, provided the application for the Indian patent be made within twelve months of the actual sealing of the British patent, or of the application for that protection.

(4) The public exhibition of the invention in an international exhibition certified as such by the Governor-General, if the application for a patent in India be made within six months of the date of the admission of the exhibit into that exhibition.

Examination.—When an application for a patent is made, the case may be referred to an examiner or expert at the discretion of the officials, the fees allowed to such expert (when he is not in the Government employ) being required from the applicant in advance.

Great complaint has of late been made about the capricious manner in which patents have been rejected by these experts without appeal, or the inventor or his agent having the right of arguing the case; cases of great merit allowed after an exhaustive search by the United States, Sweden, and Germany, and after a rigid scrutiny into their merits also in the latter country, having been rejected by these experts on the ground of possessing no patentable novelty. The Government will sometimes, on very strong reasons being shown, revise the decision.

Rival Inventors.—If two applicants apply for a patent for the same invention, the first has the preference, but if both apply the same day, they are considered contemporaneous, and the Governor-General can, at his discretion, grant patents to both or either. An application must give a fair description of the invention, and the complete specification must be filed within six months, or in special circumstances, and by the payment of an extra fee, within nine months of the application. It must contain a complete statement of the invention, with claims, drawings where admissible, and a model, if the officials require it.

Owners of patents must give an official registered address in India, at which notices of proceedings can

be served. In the case of non-residents this is usually the address of his Patent Agents' Indian Representative.

Taxes.—A patent becomes void if an annual tax, payable at the end of the fourth and every subsequent year, be not duly paid.

If, however, payment be omitted through accident, mistake, or inadvertence, the Governor-General has power to allow the patent to be reinstated on payment of a stipulated increased fee, within the next ensuing three months.

Extension of Term.—A patent can be extended for a term of seven, or, in rare cases, fourteen years on application to the Governor-General in Council. This application must be made not less than six months before the patent would otherwise expire. In such cases, if the Governor sees fit, he can refer the matter for report to the High Court, before which the patentee and any opponents to the prolongation must appear. The former is required to give an account of his profits as in similar cases before the Privy Council in England. An extended patent, however, falls void if the annual fees be not paid, and may be subjected at grant to any conditions that the Governor-General in Council sees fit to impose.

Licenses and Assignments must be registered to be valid against third parties.

Amendments.—Where, through mistake or inadvertence, too much is claimed, or an error has been made in an application or specification, the matter can be set right by a disclaimer or memorandum of explanation. Except as regards suits pending at the time, the amended specification has the same effect as if it had been the specification first filed, unless the amendment be shown to have extended the invention claimed.

Nullification.—A patent or any part thereof can be declared null by the High Court at the suit of any interested party (the latter giving, if required, security for costs) if it be proved:—

(1) That the invention or a specified part of it is not useful.

(2) That it was not new within the meaning of the Act at the date of application.

(3) That the applicant was not the true inventor, or his legal representative or assignee.

(4) That the applicant knowingly or fradulently included in his application something not new or not his invention, or a fraudulent misstatement.

(5) That the applicant has not sufficiently described the invention from fraudulent motives or to the injury of the public.

(6) As regards a part of the invention, that it is wholly distinct from the other parts, and of no utility.

A patent can be annulled if the Governor-General declare that the privilege or the mode in which it is exercised is mischievous to the State, or generally prejudicial to the public, or that the conditions upon which it was granted have not been fulfilled by the applicant.

In a suit for infringement, it is no defence that the specification contains anything old, useless, or fraudulent, or that the patentee is not the first inventor, unless the infringer proves that he himself is the actual inventor, or his licensee or assignee.

Nor is it any defence to prove that it is not new, unless the infringer proves that he himself, or some one through whom he claims, actually worked the invention in India or the British Isles, before the application for a patent in India or in the British Isles.

Compulsory Licenses.—The provisions of the compulsory license clause of the British Act are

enacted in India; the Governor-General in Council having the power in India possessed by the Board of Trade in England.

Average costs: Patent. . . .	£18
Taxes including agency before the end of each year from 4th to 8th inclusive	£5 each.
Before the end of each subsequent year	£10 „
Enlargement of time for paying taxes:—	
1 month	£1
2 months	£2
3 months	£4
Registering a trade mark . . .	£5.

IRELAND AND THE ISLE OF MAN.

These are covered by the British Patent.

ITALY.

(Population, 33,000,000.)

Kinds and Duration of Patents.—Patents of invention are granted for any term up to fifteen years, and if for shorter term can be extended on paying renewal fee and proportional taxes. Patents of importation for an invention patented and known abroad, but not yet at work in the realm, are granted to expire with the prior foreign patent for the same invention having the longest term, but their maximum duration is fifteen years.

Certificates of addition, that is, patents for additions or improvements on the original invention, are granted as in France and Belgium, free of annual tax, but expiring with the original patent. During the first six months, none but the proprietor of the patent can apply for certificates of improvements on his patent; and during this period he can also enter disclaimers, or, as it is technically described, "obtain certificates of reduction."

What can be Patented.—An invention patentable in Great Britain or the United States is patentable in Italy, except that medicines are unpatentable.

Only a single invention can be included in one patent.

Who can Patent.—The inventor or his assigns, and practically any person, firm, or company, if the original inventor does not object.

Novelty.—A patent is void if the invention have been fully published or worked in the realm prior to protection by application for the patent, or by rights under the Convention for the Protection of Industrial Property (see page 194), with this exception—if the patent be applied for as a patent of importation to expire with a given (later expiring) foreign patent for the same invention, then the prior publication abroad in Government publications will not invalidate the patent.

Procedure.—There is practically no examination, but all patents are granted if in order.

Rights conferred by Patent are similar to those in Great Britain, but there is no compulsory license clause.

Priority.—Protection dates from the application, the term of the patent from the last day of March, June, September, or December next following the date of application.

Renewals.—Applications can be made for a less number of years than fifteen, and the patent thus obtained can, at any time before the expiration of its term, be renewed for a further period not exceeding fifteen years from the date of the original patent. As every prolongation costs about £6, in addition to the difference between the first cost of a patent for the original and for the extended term, prolongation should be applied for as seldom as possible. The usual plan is to secure a patent for at least six years,

and at the expiration of that period, have it prolonged for the full term of the fifteen years allowable. A patent cannot be prolonged without the original document being produced.

Working.—A certificate must be obtained that the patent has been worked within the realm within one year of grant, in the case of patents granted for less than six years, and within the space of two years in the case of patents of longer duration, or three years in the case of patents obtained under the rules of the Union for the Protection of Industrial Property, and the working must not be intermitted for any similar period, otherwise the patent may be declared void.

Disclaimers.—During the first six months of the duration of a patent the proprietor can enter disclaimers of anything old or useless in the specification.

Taxes.—There are two kinds of taxes on patents—the "proportional tax," varying with the duration required, paid on applying for the patent or prolongation, and included in the cost of same, and an "annual tax," gradually increasing in amount payable on the last day of March, June, September, or December next ensuing after the anniversary of the date of application for the patent.

About two thousand patents are now granted yearly, and the number obtained annually is rapidly increasing.

Average costs: Patent:—

One year . . .	£15
(Or) Six years . . .	£18
(Or) Fifteen years . . .	£24

Renewals equal £6 + the difference in cost between the two terms and the annual tax, thus:—

Renewing a one year's patent for five more is £6 + (18−15) + £2 10*s*. = £11 10*s*.

Annual taxes, including agent's fee—first two years, each £2 10*s.*; next three, £3 10*s.*; and so on, increasing £1 every three years.
Certificate of addition . . . £11
Certificate of reduction (disclaimer) . £10 10*s.*
Registering a trade mark . . . £8

JAMAICA.

With Turks and Caicos Islands.

(Population, 790,000.)

Patents are granted for fourteen years, but limited by the duration of any prior foreign patent for the same invention, to the true and first inventor, or his assigns, of an invention not hitherto known or used in the islands. There is no rigid examination. A patent obtained by fraud, and the consequent publication of the invention, does not invalidate a patent afterwards obtained by the true and first inventor. Disclaimers can be made, and patents of addition, to expire with the original patent, can be obtained by the original patentee, to form a part of the original patent. The penalty for infringing is three times the actual damage as estimated by the jury of the court, and costs and injunction.

Average costs: Patent . . . £40
Certificate of addition . . . £29
Registration of trade mark . . £11

JAPAN.

(Population, 44,000,000.)

Kind, and Duration of Patents.—Patents of invention are granted for fifteen years from date of registration. Patents of addition are granted to the owner of the original patent, to expire with the latter.

Who can Patent.—Only the true and first inventor or discoverer can obtain a patent of invention, and only the owner of the original patent can secure a patent of improvement. No official of the Patent Office can own a patent unless he owned it before entering Government employ or received it by bequest.

An inventor outside the realm must appoint an agent domiciled in the realm as his agent, and such agent must be satisfactory to the Government and a registered patent agent in the country. Our agent fulfils these conditions and acts for our clients.

Only subjects of Japan, or foreigners with whose Governments Japan has special treaty arrangements, can obtain patents at present, the favoured countries are Austria, Belgium, Denmark, Germany, Great Britain and her Colonies and Dependencies, Holland, Norway, Sweden, Spain, France, and the United States. As, however, Japan has now joined the Union for the Protection of Industrial Property, the remaining States of the Union will soon have the right, and Hungary is now negotiating for a treaty.

What can be Patented.—Almost any new thing that can be patented in the United States or Great Britain can be patented in Japan, except articles of food, drink, or luxury, medicines and method of compounding them, things regarded as contrary to public order or morality and things which have been known to the public or have been in public use before the application of the patent; but this latter rule does not apply to things which have been known to the public for the purposes of trial for not more than two years, and this rule is also subject to the regulations of the Union for the Protection of Industrial Property.

Novelty.—See last paragraph. The publication of a description in print in any country prior to

application in Japan is fatal to the validity of the patent, but subject to the regulation of the Union for the Protection of Industrial Property and the following rule in regard to national and international exhibitions.

Exhibitions.—Exhibits in exhibitions organised by the central Government, or by the authorities of a Prefecture, are, by notification to the Director of the Patent Bureau duly given before entering the exhibit, provisionally protected without further charge for six months from the date of entry into the exhibition, and exhibits in an international exhibition in any of the States of the Union for the Protection of Industrial Property are provisionally protected for the same period in Japan and to the same extent as they are protected (in consequence of exhibiting and notification thereof) in the country in which the exhibition is situated.

Military and Naval Patents and others required in the public interest can be appropriated and compensation paid for same by the Treasury, the patentee having an appeal to a court if not satisfied with the compensations.

Examination.—Patents are examined to see if they be in order or previously published by the inventor and to a certain extent others, in any country prior to the application, or if they interfere with any other pending application. If the examiner reports against the patent the report is submitted to the parties interested and the patentee can appeal within sixty days to another examiner, and from him appeal can be had to the Patent Bureau. If an interference between two pending applications be declared, or if applicant be opposed, both parties are called upon to furnish full statement of their respective cases, and if the decision finally come to be that the second applicant is the first inventor,

and the first patent or patent application be cancelled, the second applicant can have his patent dated back to the date of the cancelled patent. Appeals can be made from decisions of the Patent Court to the Supreme Court.

Amendments can be made, provided they do not extend the invention. Actions for infringement or revocation of patents are tried before three or five patent judges, who must give their reasons, with the decision.

Working.—A patent can be annulled if the owner allows three years to elapse without publicly working it in the Empire, or if, after such three years of non-working he refuses to license or sell the invention at a reasonable rate.

Taxes.—Annual taxes have to be paid on pain of forfeiture of the patent. Sixty days' grace are allowed in cases of accidental failure to pay in time.

Marking.—All patented articles must be marked "Patent of . " in the Japanese language. Penalties for wrongful marking or importing, using, or selling the patented article in contravention of the patentee's rights are major imprisonment of from fifteen days to three years, or a fine of from ten to five hundred yen and the confiscation of the infringing article, which is given to the patentee.

Average costs: Patents of Invention £28
Additions £22

Annual taxes including agency on patents of invention:—

End of each of first three years .	£2 10s.
Next three years, each . . .	£3
And so on, increasing 10s. every three years.	
Registering a trade mark, each class .	£10

LABUAN.

(Population, 8,500.)

The law and costs of Straits Settlements have been adopted bodily for Labuan. Trade mark, £14.

LAGOS AND PROTECTORATE.

(Population, 1,500,000.)

Any inventor, his assigns, or legal representative with or without associates, or any person receiving the invention from abroad from the inventor or his legal representative or assign, can obtain a patent. The law is in nearly every other respect the British law, as set forth in the 12th Edition of my Handbook of 1902, except that the costs of obtaining patents are rather heavier, and the annual taxes commencing at the end of the fourth year are, including agency, £12 10*s*. for the 5th, 6th, 7th, and 8th years; £17 10*s*. for the 9th and 10th years; and £22 10*s*. for the 11th, 12th, 13th, and 14th years.

Usual costs: Patent, £15.

Provisional protection for 9 months, £6 to £8.

Completing the patent, £13 to £16.

Trade mark, £10 10*s*.

LEEWARD ISLANDS.

(Population, 130,000.)

Patents are granted for fourteen years, but limited by duration of any prior foreign patent, to first inventor, for any manufacture new as far as the colony is concerned, and not the subject of an expired patent abroad.

Usual costs: Provisional protection for six months, of little use except to residents	£37
Completing same	£27
Or complete patent at start	£60
Tax before the end of third year	£12 10s.
Tax before end of seventh year	£22 10s.
Registration of trade mark, all taxes paid for three years	£18

LIBERIA.

(Population, 1,500,000.)

Patents are granted for fifteen years to the true and first inventor, or his assigns, for inventions not yet known or used within the limits of the Republic. They must be worked within the first three years of their duration in the Republic, on pain of being considered abandoned.

Usual cost to Liberians	£22
„ „ to others	£33

LUXEMBOURG.

(Population, 220,000.)

The patent law is in most respects identical with the Belgian, except that an invention must be new, not merely in Luxembourg, but in the entire Customs Union of Germany, to be validly patentable. By new is meant not described in public print or publicly worked. So also a patent is invalid unless before, or within three months after, its application, a patent for the same invention be applied for in Germany and (afterwards) granted. A patent is granted for fifteen years, but only remains valid as long as the German patent for the same invention is kept up. If, however, the German patent be declared void

for want of working, the Luxembourg Government can continue the grand ducal patent. Working in the duchy must be proved within three years of grant. Compulsory licenses can be obtained at rates fixed by Government, by parties wishing to use an invention patented more than three years previously —if in the opinion of the Government such compulsory licenses are desirable. It is generally useful to protect an invention in Luxembourg when patents are obtained in the surrounding States of Belgium, France, and Germany, as, there being no custom houses on the German frontier, and it being very difficult to prevent importation into France and Belgium, an infringer in Luxembourg can be a veritable thorn in the side to the owners of the German, French, and Belgian patents, unless he can be brought to account in Luxembourg itself through a grand ducal patent. The law is very severe against wilful infringers, and is easily put into execution.

Usual costs: Patent, £8 10*s*. Annual taxes as in Belgium.

Registering a trade mark, £5 10*s*.

MADAGASCAR.

(Population, 4,000,000.)

The French patent and trade mark laws extend to this country, but for a patent to be effective in the country registration of the same must be effected in the country. Cost of such registration, £15.

Trade mark, £6 10*s*.

MALTA.

(Population, 200,000.)

The patent law is substantially identical with the British, but with a few slight improvements patents of

addition are granted to the patentee or his representatives for improvements on the original invention to expire with the original patent and form a part of it. Malta has joined the Union for the Protection of Industrial Property.

Designs can be registered for five years.

Usual costs: Patents and Designs and annual taxes the same as in Great Britain.

Registering a trade mark, £8.

MAURITIUS AND ITS DEPENDENCIES.

(Population, 378,000.)

Patents are granted to the original inventor or his assigns for fourteen years. This period can be prolonged by the Governor on showing a good case nine months before its expiration. There is no examination as to novelty, but publication is made before grant, after which it is open to opposition for a limited period; but oppositions are very rare. The invention must not have been published (except in Government publications), or be in use in the colony or the United Kingdom, or be patented more than a year in Great Britain, prior to an application for a patent in the colony. The public use, however, for not exceeding one year by the patentee or his assigns, licensees, or representatives, prior to patenting, is, by a special clause in the Act, held not to invalidate the patent. There are no annual taxes or compulsory working clauses.

Average costs: Patent, £39.

Registering a trade mark, £15.

MEXICO.

(Population, 14,000,000.)

Who can Patent.—The actual inventor, his agent, or legal representative can obtain a patent.

Duration, twenty years.

What can be Patented.—Almost any new invention that can be validly patented in Great Britain or the United States can be secured by patent in Mexico—with the exception of new chemical products; but new processes or plant for making such products and new industrial applications thereof can be protected.

Novelty.—By new is understood not published in print or worked industrially in any country before the date of the application for the patent, or protection under the convention or special protection in an international exhibition as hereafter mentioned.

Mexico has joined the Union for the Protection of Industrial Property.

Exhibition in an officially recognised exhibition is not fatal to a subsequent application for a patent, if before exhibiting the applicant files the necessary notice at the Patent Office of his intending so to exhibit, and provided the patent be formally applied for within three months of the final closure of such exhibition.

Rights Conferred by Patent are similar to those in Great Britain and the United States, except that actual manufacture of infringing products is a criminal offence, so is importing, dealing in, using for commercial purpose, or being possessed of the patented invention after due warning; with these exceptions, a man may import, make or use, any invention for experiment or research, and if before the date of first protection an independent party has worked or made the necessary arrangements for working the invention, he can go on working in defiance of the patent.

Examination.—There is no examination as to novelty, but all applications are granted without

guarantee for novelty or validity, if in order, and for a proper object matter.

Any decision of the examiners, refusing an application as not in order, can be appealed against to the courts.

Extension.—A patent may be further extended at the option of the Government on such terms as the Government may decide, but proof must be produced that it has been for at least two years immediately preceding in industrial use in the realm.

Working and Compulsory Licenses. If after three years from the date of first protection the invention be not industrially at work in the country, or if, after that period, industrial working be suspended for three months, the Patent Office can grant other parties a license to work the invention, they paying half the profits to the patentee. Incorrect returns to the patentee are punishable by a heavy fine, imprisonment of from one to twelve months, and the licensee is also liable to the patentee for damage and loss.

The patentee has the right of getting a license granted by the Patent Office annulled any time two years or more after the grant on proving that he has himself established industrial working of the invention —or any time on proving that for two consecutive months the licensee has not worked the invention. Both the owner of the patent and one who has obtained a license through the Patent Office must, within fifteen days of first starting industrial working, prove such working to the Patent Office.

Official Examination as to Novelty.—Any interested party can at reasonable cost get the Government to officially examine into and report on the novelty of a patent, but the Government does not in any way guarantee this report.

Government Expropriation.—The Government can on payment of reasonable indemnity (ascertained,

if an agreement cannot be come to, in accordance with the rules in force for the expropriation of real estate) take a patent or a patented invention for Government or public use. This refers mainly to patents for munitions of war.

Nullification.—A patent can be annulled by the courts if it be proved that (1) it has been granted wrongly; (2) that the claim or the description or the drawing is not sufficiently clear or precise or the whole insufficient to enable the invention to be worked therefrom; (3) that the object patented is not in accordance with the title, or (4) that the invention has previously been patented at home or abroad.

Infringements of patents by actual manufacture are both civil and criminal offences, punishable by a fine of from 500 to 2,000 pesos and imprisonment of from one to three years.

The mere unauthorised use, the sale or circulation or importation of the patented article, or hindering the patentee in the exercise of his rights are also criminal offences and heavily punished, while in case of a second or third offence, even with a different patent, the punishment is increased. The infringer in all cases is liable to pay costs and damages to the patentee, and to the confiscation of the infringing articles.

Marking Goods "Patent."—Any one marking an article as "patent" when it is not, is liable to a fine of from 50 to 1,000 pesos or imprisonment of from one to eleven months or both.

Industrial Designs can be registered for five or ten years at the applicant's option, but neither term can afterwards be extended.

Average costs: Patents of invention, £30.
Registration of trade mark, £9.

MYSORE.

(Population about 5,000,000.)

Law and costs substantially the same as (British) India. Gold, precious stones, and tea are its chief products.

NATAL (AND ZULULAND).

(Population, white, 60,000.)

(Population, coloured, 1,000,000.)

The law, based on the British patent law of 1852, is very similar to the English. There are, however, no compulsory licensing or working clauses; and a patent falls with the first-expiring prior foreign patent for the same invention.

Usual costs: Patent including agency:—

Provisional protection, six months	£10
Completing patent (14 years)	£17
Or complete at start	£24
Third year renewal fee	£8
Seventh year renewal fee	£13
Six months' grace to pay tax.	Cost, £3 extra.
Registering a trade mark	£12

NEGRI SEMBILAN.

(Population, 96,000.)

British patents can be extended to this state at any time for the remainder of their duration.

Cost, £27.

NETHERLANDS.

See Holland.

NEWFOUNDLAND.

(Population, 220,000.)

Duration of patent fourteen years, but it is lawful

for the Governor in Council to extend it for a further term of seven years. Patents are only granted to the actual inventor, his assignees, or legal representatives. A model must also be provided if the case admits of one, and specimens and ingredients if the invention be for a composition of matter; but in some cases these are dispensed with on the petition of the inventor.

The invention must not have been introduced into public or common use in the colony prior to the application, and it must be worked in Newfoundland within two years of the date of the patent, or it will be deemed to be forfeited. In cases where the invention has been previously patented in other countries, the duration is limited to that of the first foreign patent. It cannot be validly patented in Newfoundland after the expiration of a foreign patent for the same invention.

Notice of the intended application for a patent must be advertised in the *Royal Gazette*, and in another newspaper in the colony, for at least four weeks before the formal application, and this notice must include a description in general terms of the invention.

The application is referred to the Attorney-General, who hears any opposition that may be entered, examines the case, and if he judges it to be a good and proper subject for a patent, and the application in order, he certifies the same, and the patent is issued by the Governor in Council. Re-issues are granted as in the United States, but at any date of the duration of the patent, and patents of addition can be obtained.

Penalty for infringing a patent is three times the actual damage sustained by the patentee, and is recoverable by action in any superior court of the island.

Average costs: Original Patent . .	£41
Patent of Addition	£25
Registration of trade mark . . .	£11

NEW SOUTH WALES.

(Now under the Australian law.)

NEW ZEALAND.

(Population, 900,000.)

Any one being the true and first inventor or his assignee, nominee, or, in case of death, his legal representative (within six months of decease), can apply for and obtain a patent.

The law as to what is patentable is the same as the British. An invention can be provisionally protected for nine months, or by a complete specification at start as in England. The procedure is nearly identical, but, in addition to the English grounds for opposition, want of novelty, and that the communicator is not the actual inventor or his legal representative or assignee can also be urged against the patent.

The law as regards amendments, compulsory licenses, exhibiting in authorised exhibitions, rights of the crown, actions for infringements or for revocation, use of patent on foreign ships, rights under the Convention for the Protection of Industrial Property, extension of term of patent and using illegal threats, is substantially the same as the British (colonial officials being substituted for British ones). Any one illegally using the words "Patent," "Patented," etc., is liable to a fine not exceeding one hundred pounds or imprisonment not exceeding six months at the option of the judge. The patent is liable to a tax at the end of the fourth and of the seventh

year on pain of forfeiture, but a delay of three months is allowed, in cases of accidental omission, on paying an additional tax. No one can practise as a patent agent without being first registered as such.

Average costs: Provisional Protection, nine months. £7
Completing same £12
Or Complete at start . . . £18
Tax before end of fourth year . . £7
Before end of seventh year . . £12

Three months' grace to pay tax in case of accident, £6 10s. extra.

Registration of trade mark, £7.

NICARAGUA.

(Population, 310,000.)

Patents for inventions not known in the realm are granted for five to ten years. There is an annual tax of from twenty to one hundred pesas at the option of the Patent Office, payable on the 1st of January. Patents must be worked within one year on pain of forfeiture.

Cost from £20 to £25; agency fee for paying annual tax, £1.

The Government is, as a rule, rather uncertain, and the cost of patents or monopolies correspondingly so, but is usually about £75.

Cost of protecting trade mark by official advertisement, £15.

NORTH BORNEO.

(Population, 175,000.)

Law and costs substantially the same as Straits Settlements.

NORTHERN NIGERIA.

(Population, white, 500.)
(Population, coloured, 30,000,000.)

The English law verbally altered to suit the colony has been adopted almost in its entirety, but the Government fees, and also the annual taxes, are very much greater—about double what they are in Great Britain.

Average costs: Patent, provisional .	£9 10*s.*
Completing same	£18
Or complete at start . . .	£24

NORWAY.

(Population, 2,300,000.)

Kinds and Duration of Patents.—Patents of invention are granted for fifteen years, subject to an annual tax. Patents of improvement are granted for the term of the original patent, expiring with it, and are not subject to annual taxes.

Who can Patent.—The first inventor, or his legal representative, alone can obtain a patent for invention.

The inventor has the sole right for two years of patenting improvements on his invention. Other applicants can, however, file applications for patents for such improvements, but these are kept secret till the two years have expired.

What is Patentable.—All *new* inventions, useful in industry, and not contrary to law, morality, or public order can be patented, except articles of food, beverages, and medicines. Methods of manufacturing these, and apparatus therefore can, however, be secured.

Novelty.—By *new* is meant not known in the

realm in such manner that persons conversant with the said knowledge and skilled in the trade to which the invention relates could work it. The publication by printing or by ordinary exhibition within six months prior to the application for the patent, however, is not to be considered fatal to novelty.

Norway has joined the Union for the Protection of Industrial Property, so inventions protected by citizens of any State of the Union in their State are protected for twelve months in Norway.

Rights conferred by Patents.—Patents confer substantially the same privileges in Norway that British and United States patents do in their respective countries, but both public authorities and private firms can obtain compulsory licenses at fair rates, to be decided, if necessary, by arbitration. If, however, the rate be a sum down, that sum must be paid before the license is granted. If it be a royalty, the licensee is required to give sufficient security that he will duly and faithfully pay the instalments as they come due.

Precedure.—All applications for patents are decided upon by a scientific patent commission, and an appeal from the examiner's decision can be had to a higher court, and from that again to a special commission appointed by the King.

When a patent application is allowed it is advertised for inspection, and any one may, during the next following eight weeks, oppose the grant. Patents are issued about eight weeks after the opposition period has expired, and about six months afterwards are published in the Norsk *Patentblad.*

A non-resident patentee must appoint an agent to represent him, who shall be registered at the Patent Office (this agent is usually the correspondent of the Patent Agent through whom the application is made). If the agent dies or leaves the country, another must

be appointed, or the patent will, after due notice, be declared void.

Working.—A patent can be declared void if it be not worked or the patent or patented article offered for sale in the realm within three years of the date of the patent, so that persons requiring the use of the invention could have it by paying, or if working, or offering for sale, be wholly abandoned in the realm for one year. This period can be extended by the authorities on reasonable ground being shown.

Infringements.—The penalty for infringement is —first offence, £3 to £60; second offence, about £300. Also the counterfeit articles are confiscated and all damages compensated. If the defence be invalidity of the patent, the action for an infringement can be stopped till the infringer can bring a suit to have the patent declared void.

Average costs: Patent of Invention, £13; Patent of Addition, about £12.

Annual taxes, including agency, £1 10*s.* the first year, £1 16*s.* the second, and so on, increasing 6*s.* each year. Taxes can, however, be paid within ninety days after date on payment of a fine in addition to the amount of tax. Proving working exclusive of actual cost of manufacture, first year, £3 10*s.*, each subsequent year, £1 10*s.* First appeals against examiner's decisions, £4. Appeals to special commission, £15.

Registering a trade mark, £7.

ORANGE RIVER COLONY.

(Population, white, 144,000.)
(Population, coloured, 240,000.)

This State when independent passed a law extremely similar to that of the Transvaal, of which it is in large part a copy. In this country there is no

advantage in obtaining provisional protection. Average costs: Provisional Protection, £10. Completing Patent, 14 years, £29; or complete patent at start, £37. Taxes, including agency, end of 3rd year, £8; end of 7th year, £13. Registration of trade mark, £13 to £18.

PAHANG.

(Population, 57,000.)

Inventions patented in Great Britain can be patented in Pahang for the remainder of the term of the English patent. Publication in any part of the British Dominions or Pahang prior to the date of the first patent (Pahang or British) is fatal to the validity, except it have been made only during the immediately preceding six months by the inventor or his representatives, or persons who have obtained the knowledge of the invention by fraud. There is a tax at the end of seven years. With these exceptions the law is substantially the same as the British.

Average cost: £17 10*s*. Tax at end of seven years, £8, including agency fee.

PANAMA.

(Population, 330,000).

Patents are granted for any number of years up to twenty. Usual cost: £15 at application for the first year; and £4 5*s*. a year for each subsequent year to be paid on the grant of the patent in one sum, or they cannot be afterwards extended. The Columbian law is re-enacted otherwise. Trade marks, manufacturers' marks, £20; merchants' marks, £16.

PARAGUAY.

(Population, 600,000.)

By a convention with Argentina, Uruguay, and Peru, a patent granted in any of these countries can be extended to Paraguay within one year of its date. Paraguay has made a similar arrangement with Great Britain.

Except this there is no patent law in Paraguay. The Government, sometimes independently, grant exclusive privileges for useful inventions.

Average costs: Extending patent to Paraguay, £45. An original grant is usually more than this.

Registration of trade marks, £17.

PERAK.

(Population, 330,000.)

Inventions patented in Great Britain, or any British possession can, during the lifetime of such patent, be patented in Perak for the remainder of such "lifetime."

Average costs: £19.

PERSIA.

(Population, 7,600,000.)

Has no patent law.

PERU.

(Population, 3,000,000.)

Peruvian patents granted for inventions unpublished anywhere, last ten years subject to annual taxes. Working must be proved within two years, and importation from abroad is not allowed even by the in-

ventor. The grant is independent of foreign patents
Average costs to a non-resident, patent, £52.
Registering a trade mark, £15.

PORTUGAL AND HER COLONIES.

(Population: Portugal, 5,400,000.)
(Population: Colonies, 7,750,000.)

Only the true and first inventor, or inventors, can now obtain a patent.

For a patent to be valid, the invention at the date of the patent must not have been published in print anywhere or publicly used in the realm before the date of the patent, or (if obtained under the rules of the Union for the Protection of Industrial Property, see page 194) before the date of the original patent abroad.

Medicines and chemical products cannot be patented, but processes for making the same can be.

There are four kinds of patents. Patents of invention granted for any number of years up to fifteen, and, if granted for a shorter period, renewable up to fifteen; patents of addition for improvements on patented inventions, granted to the owners of such patented inventions, and to expire with the original patent; patents for designs, or models, granted for five years and renewable indefinitely; and monopolies for new industries.

Patents are granted first for Portugal only, these can be extended to the colonies by a special application and on paying further fees.

Applications for patents are published before grant, and then open for three months for any one to oppose.

There is an appeal from the decisions of the Patent Office.

Patents must be worked in the realm within three

years of their grant, and the working not interrupted for a period of two years, or the Government can annul them.

A patent dates as regards its duration from the date of grant, as regards the rights of the patentee from the date of application, or if obtained under the Convention from the date of the original first application in the countries of the Union for the Protection of Industrial Property.

The Government can at any time appropriate a patent to its own use, wholly or partially, paying such compensation as may be agreed upon or decided by arbitration.

Knowingly infringing a patent is a criminal offence.

After a quiet possession of a patent for seven and a half years the validity of that patent cannot be contested.

Monopolies for New Industries are granted at the discretion of the Government to persons proving that they are qualified and have sufficient capital to introduce into the realm and satisfactorily work there an industry hitherto not existing in the realm. They may be granted for any term not exceeding ten years, and if granted for a shorter period can be extended at the option of the Government to ten years. The monopoly is for exclusive manufacture only—any one can import the monopolised article. A foreigner can only get a grant of monopoly by a sort of naturalisation. The application is advertised and can be opposed. The applicant must give good security to Government that he will duly work his monopoly, and the monopoly will be annulled and security can be forfeited if the industry be not at work within the year to a reasonable extent, or its operations be abandoned for eighteen months consecutively during the term granted.

Average costs: Patent of Invention for one year

£12. For each additional year applied for at the same time, 15*s*. Extending a patent 15*s*. for each year of the extended time, plus 22*s*.

Patent of addition	£10
Patent of design or model, one class of goods	£5 5*s*.
Each additional class	£4 10*s*.
Extending same five years	£4 5*s*.

Extending a patent to cover the colonies is equal to the cost of the Portuguese patent to be extended.

Trade mark for one class of goods	£5 10*s*.
Each additional class applied for at the same time	£1 5*s*.

(All registrable goods are divided into 56 classes for designs, into 62 for models, and into 91 for trade marks.)

QUEENSLAND.

See Australia.

SOUTHERN RHODESIA.

(Population, white, 13,000.)
(Population, coloured, 600,000.)

In September 1904 an Act, almost a copy of the English law of 1883, was passed, but the rules *re* oppositions are greatly improved and costs allowed to the winning party.

Provisional protection is for nine months and the annual taxes are about half the English.

Average costs: Provisional Protection	£7
Completing same	£13
Or Complete at start	£19
Trade mark registration	£13

ROUMANIA.

(Population, 6,100,000.)

Patents can sometimes be obtained by special Act of Legislature. Cost uncertain.

Average cost of registering a trade mark, £12.

RUSSIA.

(Population, 127,000,000.)

Kind and Duration of Patents.—Patents of invention are granted for fifteen years, subject to annual taxes. Patents of addition for improvements on existing patents are granted, to expire with the principal patents.

Patents for improvements on inventions already patented can, however, be obtained as independent patents of invention, and in such cases last for fifteen years.

Patents for inventions first patented abroad expire with the expiration or nullification of the earliest expiring foreign patent.

Who can Obtain a Patent.—The true and first inventor or his representative, whether Russian or alien, can obtain a patent. During the first year of grant of a patent of invention only the patentee thereof can obtain a patent of addition thereon. After this, others can obtain such patents of addition or improvement, to expire with the original patent: but neither party can use the other's invention without special agreement.

Inventions, however, which are already patented in foreign countries, can still be legally protected in Russia if the applicant for the Russian patent be the actual inventor of the foreign patent or his assign, and the invention be not yet known in

Russia. In such case the Russian patent is limited in its duration by the term for which the corresponding foreign patent of shortest duration was originally granted, copy of which has to be supplied for the purposes of identification.

What can be Validly Patented.—Any new invention capable of industrial exploitation, except:

(1) Anything dangerous to the State or public morals.

(2) Anything already patented, or for which a patent has been applied for, in Russia, or which has been worked in the realm.

(3) Anything sufficiently described in the literature of any country as to be reproduced therefrom.

(4) Anything which is publicly known abroad without being patented, or patented in another name than that of the applicant for the Russian patent, unless such other applicant of the original patent be his assignor, assignee, or representative.

(5) Mere unimportant modifications or improvements of well-known inventions.

(6) Chemical products, foods, drinks, medicines, or processes, or apparatus for making medicines.

Novelty.—(See last article.)

Requirements.—Besides the usual drawings and specification, a model is required when in the opinion of the examiners the case requires such for the full understanding of the invention.

Examination.—Inventions are examined as regards novelty by experts and representatives of the various departments of State; against the decision of this committee an appeal can be had to a general meeting of the Technical Committee. Patent applications are often two or three years passing through the office.

Government Use.—Patents for inventions useful to Government only, such as munitions of war, are not granted, and those useful alike to Government and to

private individuals, such as warlike materials that can be used for sporting purposes, are granted with the reservation that the Government shall have free use of them.

Provisional Protection.—An application having been made in due form, the name of the applicant, the date of application, and the title of the invention are published, and a certificate of safeguard (provisional protection) is granted. This enables the inventor to publish and work his invention without danger to the subsequent grant of a patent for the same and to notify infringers that they are exposing themselves, in the event of the patent being granted, to judicial prosecution for all infringements made after the date of the certificate of safeguard. Any time before the patent is granted (and the delay extends usually over a year or two), the grant can be objected to by the examining officials or any other person notifying them that the invention is old or has been wrongfully obtained by the applicant. The objection of the examiners or any notification that the invention is old is submitted to the applicant, who has then three months during which he can furnish a reply, and the general body of the examiners thereupon come to a decision. If, however, the notification be that the invention has been wrongfully or fraudulently obtained, the patent is refused, and the parties are obliged to submit the matter to a Court of Law, who can make such order in reference to the patent as it may consider right.

Conflicting Applications.—If two applications be filed for the same invention, the first applicant receives the grant unless the two applications be made the same day or the first be opposed by the second. If the two be of even date, they are invited to come to agreement; and if they do not agree within three months neither application is allowed until the matter has been decided by a Court of Law.

Working.—A patent must be worked in the realm and the working proved to the Department of Commerce and Manufacture within five years of its grant or the patent will be declared void.

Assignments must be registered.

Government Guarantee.—During the first two years actions can be brought to upset the patent on any statutory ground. After two years it can only be revoked by a sentence or order of a Criminal Court.

Patents of Addition are granted to the proprietor of a patent, to expire with the original patent. There are no annual taxes on these. After the first year of a patent any one can apply for a patent of addition thereon, but neither patentee can use the patent of the other without license.

Taxes.—A patent becomes void if taxes, which with agency amount to the following, be not paid as they become due. Before the end of one year from the signing of the patent (prices at present rate of exchange), £3 15*s.*; 2nd year, £4 5*s.*; 3rd year, £4 16*s.*; 4th year, £5 17*s.* 6*d.*; 5th year, £7; 6th year, £11 5*s.*; 7th year, £12 7*s.* 6*d.*; 8th year, £15 2*s.*; 9th year, £17 17*s.*; 10th year, £23 5*s.*; 11th year, £28 12*s.* 6*d.*; 12th year, £34 1*s.*; 13th year, £39 10*s.*; 14th year, £44 17*s.* 6*d.*

Taxes can, however, be paid within three months after date on payment of a fine in addition to the amount of tax.

Usual Costs: Patent of Invention . £25
„ „ Patent of Addition . £20
Registration of trade mark . . . £9

ST. HELENA.

(Population, 4,000.)

A British patent can be extended to this colony. Usual cost of this extension, £20.

ST. LUCIA.

(Population, 50,000.)

The English law, with requisite alterations, has been enacted in the colony.

Costs: Patents, designs and trade marks slightly heavier than in Great Britain.

ST. VINCENT.

(Population, 49,000.)

The English law with slight modifications to adapt it to the colony has been enacted in St. Vincent. Usual costs: Provisional Protection, £4.

Completing same, £12.

Complete at start, £15.

Taxes as in England, only agency fee, £2. Registration of trade mark (taxes paid for four years), £16.

SALVADOR.

(Population 900,000.)

Who can Patent.—Only the true and first inventor, or his attorney for him, can validly obtain a patent.

What can be Patented.—Practically anything patentable in Great Britain or the United States not yet published in any country except in official Patent Office publications, or through being exhibited in international exhibitions. A patent can only be for one article or process, and if two or more have to be combined to produce a new industrial result, there must be two or more patents.

Kinds and Duration of Patents.—Patents of invention for twenty years and patents of addition to expire with original patent.

There is a tax of 50 pesos at the end of the first

five years, 75 pesos at the end of ten years, 100 pesos at the end of 15 years, and if the patent be renewed by the Executive at the end of the twenty years for five years then a fresh tax is required. In the case, however, of inventions patented abroad, the patent falls with the first foreign patent.

There is no compulsory working clause.

The cost of a patent varies with the officials' estimate of its importance, and may be anything from £25 to £60.

Taxes, including agency, end of 5th year, £5; end of 10th year, £7 10*s*.; end of 15th year, £10. Two months' grace for paying taxes.

Protecting trade mark by official advertisement, £14.

SELANGOR.

(Population, 169,000.)

Inventions patented in Great Britain, India, and some other states can be patented in this State at any time during the life of the patent abroad to expire with that patent.

Usual costs: £19 10*s*.

SERVIA.

(Population, 2,500,000.)

This state is in the same position as Roumania, but has joined the Union for the Protection of Industrial Property, and is expected to shortly have a patent law in operation.

Average costs of registering a trade mark, £19.

SEYCHELLES ISLANDS.

(Population, 25,000.)

This law is very similar to the British, the differences

being, first, an assignee of the inventor's right can apply for a patent, and the fees are all heavier than the British.

Average costs: Nine months' protection, £8 to £11.

Completing patent, £16 to £20.

Complete at start, £22 to £27.

Taxes at end of 4th and subsequent years: £12, £12, £12, £12, £18, £18, £24, £24, £24, £24. Agency fee paying same, £2.

SIAM.

(Population, 5,000,000.)

The English Patent Designs and Trade Marks Acts extend to Siam in so far that any British subject or subject of any other country which has come into the arrangement in Siam can be prosecuted in a Consular Court in Siam by the owner of a British patent or trade mark for infringement of such British patent or trade mark in Siam, provided that the owner of the said British patent is a British subject or a subject or citizen of another country making the same arrangement in Siam in regard to its subjects or citizens.

SIERRA LEONE AND PROTECTORATE.

(Population, white, 500.)
(Population, black, 570,000.)

The owner of a British patent can obtain protection in the colony to expire with said British patent, or any prior foreign patents expiring before it. A patent can be declared void on the same grounds that a British patent can. There are no compulsory licenses. The privilege is very little used. The cost is about £30.

SOUDAN.

See Egyptian Soudan.

SOUTH AUSTRALIA.

See Australia.

SOUTHERN NIGERIA.

The law and costs are practically the same as Lagos, as above set forth. It is expected that soon they will be administratively united.

SPAIN AND COLONIES.

(Population, Spain, 18600,,000.)
(Population, Colonies, 500,000.)

There are three kinds of patents:—

1. **Patents of Invention** for twenty years granted to any person, firm, or corporation who intends to establish, or who has established, a new industry unpublished and unpractised at home or abroad, except in international exhibitions (when exhibited by the patentee) or under the exceptions allowed by the Union for the Protection of Industrial Property; but experimental use by the applicant before patenting is not considered publication or practice of the invention.

2. **Patents of Importation** for five years granted to any person, firm, or corporation who establishes an industry new in the realm, though it may have been worked or published abroad.

3. **Certificates of Addition, Alteration, or Improvement** on original patented inventions which are made by the patentees of such original patented

inventions, and which lapse with the original patent, and after grant form a part of the original patent.

Patents of invention and their certificates give the sole right of making, using, and importing.

Patents of Importation do not give any right to stop importations of the patented article.

Medicines cannot be patented, but modes of producing them can, and their names can be registered.

Working.—Proof of reasonable working in the realm must be furnished to the Government within three years of date of payment, on pain of forfeiture of the patent.

Taxes. Patents are subject to an annual progressive tax on pain of forfeiture. This, including agency, is £3 at the end of the first year, £3 8*s*. at end of second year, and so on, increasing each year 8*s*. Accidental non-payment can be rectified by payment of an additional tax of 9*s*. during the first month, 18*s*. during the second month, or 27*s*. during the third month. All the taxes can be paid at once if desirable, in which case a discount of 5 per cent. on five-year patents and 20 per cent. on twenty-year patents is allowed.

There is no examination as to novelty, but all applications are granted if in order.

The holder of the patent can at any time after grant during its existence obtain a certificate of addition, alteration, or disclaimer for any improvement, alteration, or deletion he wishes to make in the specification, and the patent from thenceforth is modified by that certificate, but without prejudice to the rights of other parties existing at the time. There are no annual taxes on these certificates, but they fall with the original patent.

Assignments must be registered to be valid against third parties.

A patent can be expropriated by a special Act of

Congress, in which case the indemnity for such expropriation is also decreed, and who is to pay it.

A patent must be worked in Spanish territory, and that working proved within three years "in reasonable proportion to its employment or consumption"; but if there be no market, the existence at the disposal of the public of machinery or materials sufficient for the manufacture will be considered a working. Any rival manufacturer or any person who has been refused a license can challenge in a Court of Arbitration at his own expense the sufficiency of such proved working. It is sufficient to upset the patent to show that working has been suspended for a year and a day without very strong reason.

Infringement of a patent is punishable by fine or imprisonment and confiscation to the patentee of the infringing articles.

Licenses and Assignments must he registered at the Conservatory of Arts (Madrid) before they become valid against third parties. This register is always open to public inspection.

Nullification.—As in most other countries, if it be found that the specification does not fully and correctly describe the invention and its objects, so that any one could work it who is conversant with the branch of art to which it is nearest related, or if there be clear evidence of deceit or of reservation of valuable information on the part of the patentee in drawing up his specification, the patent will be declared void.

Working.—All patented inventions must be worked somewhere in the Spanish dominions within three years of the date of the patent, or the patent becomes void; and this applies also to patents of addition, the working of which does not require to be proved in most other countries. This working must be proved at the expense of the patentee to the satisfaction of an

official appointed by the Director of the Conservatory of Arts, or, in other words, the Commissioner of Patents. The article must be actually manufactured in the Spanish dominions, and the expenses of proving, when done by our agency exclusive of cost of manufacture, is usually about £12. The patent can be annulled after this working if at any time it be shown that the working of the invention has been entirely interrupted for a period of one year and a day, unless the owner can show a good cause for such interruption.

Infringers of Patents are liable to a fine of from £8 to £80 for the first offence; if, after being fined, the infringer again infringes within a period of five years, he is liable to a fine of from £80 to £800. Persons knowingly assisting in such infringement lay themselves open to a fine of from £2 to £8 for the first offence, and of from £8 to £80 for the second. All counterfeit products seized become the property of the patentee, and all damages must be made good; and if the fines and damages be not promptly paid, imprisonment for an equivalent period is the only alternative. In infringement trials, the infringer can plead invalidity of the patent, and get his conviction suspended till the validity of the patent has been tested by the public prosecutor before a jury of experts.

A patent can be expropriated by Government at a fair valuation.

What Inventions Pay.—The spirit of enterprise is rapidly rising again in Spain; and at the present time there is a great demand for manufactures requiring small capital to work them. Patents for small domestic articles, stationery, simple articles of husbandry, or connected with the wine trade, mining, and guns and pistols, are especially sought after.

	£	s.	d.
Average costs: Patents of invention or importation	16	0	0
Patent of addition	13	0	0
Taxes, including agency, £3 before the end of the first year; £3 8s. second year; and so on, increasing 8s. each year.			
Cost of proving working, from . . .	8	0	0
„ „ registration of trade marks, all taxes paid for 20 years . . .	10	10	0

STRAITS SETTLEMENTS.

(Population, 572,000.)

These include Singapore, Penang, Province Wellesley, and Malacca. The patent law is very similar to the British, except that there are no compulsory licenses. Any inventor possessed of a British patent can have the same registered in the colony at any time during its existence so as to be operative over the settlements. The first importer of an invention can obtain a valid patent therefor.

Usual costs: Registration, £28; or of an original patent, £35.

SWEDEN.

(Population, 5,200,000.)

Kinds and Duration of Patents.—Patents of invention are granted for fifteen years, subject to an annual tax. Patents of addition, for improvements on existing patented inventions, are granted to the original inventor of said existing patent, free of annual tax, to expire with the original patent. And at the option of the King, Provisional protections for one

year to subjects of countries granting reciprocity in this respect.

Who can Patent.—Patents are granted only to the true and first inventor, or his legally qualified representative.

What is Patentable.—All new industrial inventions and new modes of manufacture, except foods and medicines, are patentable; the modes of compounding foods and medicines are, however, patentable if new.

Novelty.—An invention is new if it have not been already described in any country in an ordinary accessible printed publication, or so openly practised that any one skilled in the art to which it relates could manufacture it from such information. The publication of the invention, however, by exhibition at an International exhibition, is no objection to the grant of a patent, provided that the applicant applies for a patent within three months after such publication or opening of such exhibition.

Publication of the invention by a foreign patent authority is, however, sufficient to invalidate a subsequent application in Sweden, unless such application be made under the provisions of the International Convention, and such publication be after the date of priority secured under the Convention.

In the case of an application for a patent for an invention first patented abroad, in a country under the convention or having a corresponding regulation, a Swedish patent is granted without being prejudiced by interim publication, to date the same date as the said foreign patent, provided the application be made within twelve months of the date of the foreign patent.

Requirements as regards a full and complete specification are as strict as in England or America, and

a model or samples may be called for. An applicant outside the realm must have a resident representative (his Patent Agent's correspondent is sufficient), who, in all matters of the patent, shall be considered the representative of the patentee. He can be changed by the patentee for some one else, but if he dies, or leaves the country, another must be appointed. There is an examination as to sufficiency of description of the invention, and also as to novelty. If two inventors apply for the same invention, the first applicant has the preference.

Applications on being allowed are advertised, and for two months are open to opposition.

Taxes.—Patents of invention are subject to an annual tax before the end of the first, second, third, and fourth years of 25 kroner each; before the end of each of the next five years, of 50 kroner each; and before the end of each of the last five years, of 75 kroner. The payment of this tax can at any time be discontinued, and the patent allowed to go void. If accidentally omitted, it can still be paid, and the patent hold good, provided the amount of the tax, together with one-fifth of the amount by way of fine, be paid within the next ensuing three months after the date when the tax became due.

Assignments to be valid have to be registered, and until such registration the registered owner for the time being is the legal owner. Any second assignment from him, therefore, registered before a previous assignment takes precedence of the latter.

Working.—All patents must be worked in a substantial manner in the kingdom, commercially, within three years of their date, and the working once begun must not be intermitted for an entire year, otherwise, on the application to the courts by a third party, the Government can grant a license on such terms as regards compensation to the patentee as

the court may consider just. The patent authorities, under exceptional circumstances, can extend the time.

Rights Conferred.—A patent in Sweden confers substantially similar rights to what a patent in England does. A patent is not valid against any one who, before the date of the patent, either used the invention in the realm, or made extensive preparations—such as by putting down plant—for such use. The Government can confiscate a patent for the public good, or Government use, but must indemnify the owner. In such case, if the owner and the Government cannot agree as to the amount of the indemnity, a special commission assesses the amount.

The Penalty for Infringing a Valid Patent is a fine of not less than 20 crowns (£1 2*s.* 2½*d.*), or more than 2000 crowns (£111), or imprisonment; and if after the commencement of the action the infringement has been continued, each time a summons has been served—provided the infringement has been continued between the dates of serving—entails a separate fine.

Nullification.—Any one can contest the validity of a patent at law; and if the verdict be against the patentee, the fact is registered in the Patent Office.

If a patent be rejected, £1 5*s.* of the fees is returned.

Usual costs: Patent, £15.

Annuities, including agency, payable near the end of each year—

First four years	. . each	£2 12*s.*
Next five years	. . „	£4 0*s.*
Next five years	. . „	£5 8*s.*

Registering a trade mark, £8.

SWITZERLAND.

(Population, 3,300,000.)

Kinds and Duration of Patents.—Patents of invention are granted for fifteen years, subject to an annual progressive tax. Patents of addition to expire with the original patent, and not subject to further tax, except the Government fee on application, are granted to the proprietor or proprietors of a patent. Provisional patents for three years are granted without reference to any model, giving substantially the same rights as provisional protections do in Great Britain—namely, right to publicly work the invention without prejudice to the patent afterwards obtained, and right of obtaining a patent during the three years, to date from the day of application for provisional protection on furnishing a model or proof of existence of a specimen, and fulfilling the necessary formalities to the satisfaction of the examiners. The provisional specification of these patents must, however, fully describe the invention. It is this specification upon which the patent is based.

What can be Patented.—Only new inventions capable of being represented by models are capable of being patented.

There is an Act now before the legislature to extend protection to chemical processes.

Novelty.—Nothing will be considered new which at the date of the application is sufficiently publicly known in the realm to be worked by persons in the trade to which it relates.

Where, however, an invention has been previously patented in any country of the Union for the Protection of Industrial Property, and a patent is applied for in Switzerland within twelve months of the earliest application for a foreign patent, no publication or use

between these two dates will invalidate the Swiss patent.

There is a clause also protecting inventions exhibited in International exhibitions for six months from the date of opening such exhibition, provided an application for a patent be made in the Republic within such period.

Rights Conferred.—A patent gives the sole right of making, using for the purposes of manufacture, or dealing in the thing patented without the license of the patentee.

The proprietor of a patent of proved industrial importance that cannot be worked without using another prior patented invention, can oblige the prior patentee to grant him a license on equitable terms, after the first three years of the older patent have expired. If, however, such license be granted, the owner of the older patent can, in his turn, oblige the later patentee to grant him a license for said later patent. The Federal tribunal decides these cases, and settles the amount of royalty and other terms in default of the parties themselves coming to an agreement.

When the public interest requires it, the Federal or any Cantonal Government can expropriate a patent in its territory, indemnifying the patentee in such sum as it thinks fair.

Persons who illicitly make or use, or who sell or circulate the patented articles in contravention of the patent, or who knowingly co-operate or assist in such acts, or refuse to declare how articles made in contravention of the patent have come into their possession, can be prosecuted, both civilly for damages, and also criminally, the penalty in the later case being from 30 to 2000 francs (£1 5*s.* to £80), or imprisonment of from three days to a year, or both at the discretion of the judge. These penalties can be doubled in

case of a second conviction. Unintentional infringements can only be proceeded against civilly for damages and an injunction.

A civil action can be brought by any person interested, a criminal one only by the party injured. The action must take place within two years of date of the last infringement, and in the canton where the infringement took place. The tribunal can order the confiscation of the infringing articles to the benefit of the injured party, also the destruction of the tools, plant or instruments exclusively designed or destined for such infringement.

Taxes.—Patents of invention are subject to an annual progressive tax, on pain of forfeiture. The patentee may pay any number of annuities in advance, and if before the expiration of the term paid for he formally abandons his rights, the taxes paid for the abandoned portion of the term will be returned. Persons resident in Switzerland proving poverty can delay all payment of tax till the end of the third year.

A Patent becomes Void—

(1) On its formal renunciation by the patentee.

(2) If the annual taxes be not paid as they become due.

(3) If the invention be not worked in the realm before the end of the third year.

(4) If the object patented be imported from abroad and at the same time any applications made for a license on equitable conditions be refused by the patentee.

Nullity on the ground of the third or fourth of the above causes can be pronounced by any tribunal competent to try cases of infringement, on the suit of any interested party.

A patent can also be declared void at the suit of any interested party, on any of the following grounds :—

(1) That the invention was not new or not applicable to industrial purposes.

(2) That the proprietor of the patent is not the author of the invention or his representative (but a patentee is considered the author till proved to the contrary).

(3) If the title of the specification be misleading.

(4) If the description (with drawings and model) be not sufficient for a competent member of the trade to which it relates to work the invention.

An Inventor Resident Abroad must appoint an agent in Switzerland to represent him officially (this is usually the correspondent of his local Patent Agent).

In all actions for the annulment of the patent, it is sufficient to notify this agent.

Procedure.—A patent is limited to one principal object and its details.

A full specification, with drawing, is required, also a proof that a model of the object invented exists, or that the object itself is already in existence, or a plastic representation setting forth clearly the nature of the said object. This proof is sometimes established by means of a photograph, but of late this rule has been very harshly carried out—if every part of the invention claimed is not exhibited on the photographs taken from an actual specimen, or if there be a difference between the model and the invention described, the patent is refused—strong efforts are now being made to change this.

An actual model can be demanded by the Patent Office before delivering a patent.

All applications are examined by the Patent Office, and if the documents, etc., are not satisfactory, the inventor is informed of the objection, and has the opportunity of amending or abandoning his application; and if the patent be finally refused, the inventor

has four weeks to lodge an appeal to the superior administrative authority.

The examiners also report to the patentee anything they may find in their search which appears to touch upon the novelty of the invention. The inventor can then amend his description so as to avoid the objection, or can leave it intact as he pleases. The examiners' report is kept secret, and the officials have no power to refuse the patent on the ground of want of novelty.

Provisional protection is, however, granted on applications without any examination, and at the owner's risk.

Marking.—All patented articles must be marked with the Federal cross and the number of the patent. If the article will not admit of this, its package must be so marked.

No action for infringement can be maintained if it be shown that the patentee has neglected this marking.

The penalty for pretending that an article is patented when it is not, is 30 to 500 francs (£1 4*s.* to £20), or imprisonment for from three days to three months, or both. For a second conviction the penalty can be doubled.

A Register of Proprietors of patents and copies of specifications can be inspected at the Patent Office for a moderate fee.

The titles, specifications, patentees' names and domiciles, the payment of taxes on, and the annulments of, patents, are all published, and the particulars can be purchased; but this publication can be delayed at the inventor's request for a period of six months from the application.

About 500 Swiss patents are granted annually.

Usual costs: Patent, exclusive of model, £12.

Taxes, including agency, £2 10*s.* the first year;

£2 18*s.* the second year, and so on, increasing 8*s.* each year. Three months' grace allowed for paying taxes. Cost, £1 extra.

Registering a trade mark, £6.

TASMANIA.

See Australia.

TOBAGO.

See Trinadad.

TRANSVAAL.

(Population, white, 150,000.)
(Population, coloured, 600,000.)

Who can Patent.—The true and first inventor or his legal representative.

Kinds of Patents.—Provisional for nine months, and complete for fourteen years.

What can be patented.—Any invention not used or known by others in the colony, and not described in print in any country before the application in the colony, and not in public use or on sale anywhere more than two years prior to such application, unless the same be proved to have been abandoned, can be patented. If, however, the invention have been previously patented in any foreign country, but not more than a year prior to the application in the Transvaal, or within such year it has been first exhibited in an international exhibition, then no publication since the date of such prior patenting or such exhibition shall militate against the right of patenting. Each application is examined to see if it be in order and to ascertain whether it conflicts with any pending application, in which latter case it can be refused by the office subject to appeal.

Opposition.—Each application on allowance is advertised, and any one can enter an opposition to

an application on any reasonable ground such as that it has been stolen from him, that it is not new, that it does not sufficiently describe the invention, that the invention described in the complete specification differs from that provisionally protected, that the title is fraudulently worded, or that the applicant is not the true inventor, or his legal representative. In all other respects, except fees and taxes, the law is practically a copy of the British.

Usual costs: Provisional Protection, £7.

Completing same, £12.

Or complete at start, £18.

Taxes, including agency before end of 3rd year, £4; before end of 4th year, £4 10*s*. and so on increasing 10*s*. each year.

Registering trade mark, £12.

TRINIDAD AND TOBAGO.

(Population, 300,000.)

Fourteen-year patents can be obtained by the inventor or importer, or his assigns, for new inventions.

There are no annual taxes, but in other respects the law of patents, designs, and trade marks, except as regards costs, is substantially the same as that of Great Britain.

Usual costs: Patent, £24.

Disclaimer, £15.

Designs, five years, £6.

Trade marks, each class, £11.

TUNIS.

(Population, 1,500,000.)

The law is very similar to the French, except that a patent can be opposed prior to grant.

Usual costs: Patent for fifteen years, £17.
Annual taxes, £3 10s.
Trade marks, £5.

TURKEY.

(Population, 22,000,000.)
(Population, Tributary States, 17,500,000.)

Any new industrial product, new means, or new application of known means, for obtaining a new industrial product or result, can be patented, with the exception of medicines and devices for banking or finance. Patents are granted for fifteen years, subject to a tax of two Turkish pounds per annum.

By an arbitrary decree of the Sultan, which may at any time be revoked, electric patents are at present rejected—and so are warlike inventions.

Patents are granted without examination, and at the risk of the applicant, as in France. In the case of warlike inventions, the Government reserve the right of taking them, and rewarding the inventor; and if they do not take them up they almost invariably refuse them as mischievous to the state. Gold, silver, and copper medals are granted to the inventors of valuable inventions, and the designs of these medals must be reproduced as trade marks by inventors.

Patents of addition, alteration, or improvement can be obtained during the entire duration of patent, free of annual tax, to expire with and form part of the original patent. Patents of addition granted to one owner or licensee of a patent, belong equally to all other owners or licensees, in the same proportion and extent as the original patent.

Patents must be worked in the realm within two years of grant on pain of forfeiture.

The law as regards novelty, introducing specimens

into the country, and annulling patents, is the same as the French. The law against infringements, especially in the case of second offences, is very severe.

Turkish patents do not extend to Bosnia, Bulgaria, Egypt, or Cyprus, and are of doubtful value in the other tributary states.

Usual costs: Patent invention, £24.

Patent of addition, alteration, or improvement, £24.

Proving working, usually about £12.

Petitions to extend time for working, £5 10*s.* in any case.

Assignments, £8.

Annual tax, including agency fee, £5 4*s.* 10*d.*

Registering a trade mark, £13 10*s.*

UNION FOR THE PROTECTION OF INDUSTRIAL PROPERTY.

The following States:—Belgium, Brazil, Denmark, France, Germany, Great Britain (with right to introduce any of her colonies or dependencies willing to join), Holland, Italy, Japan, Mexico, Norway, Portugal, Servia, Spain, Sweden, Switzerland, Tunis, the United States, the Dutch colonies of Curaçao and Surinam, and the English ones of Gold Coast, Malta, Queensland, New Zealand, Tasmania, and West Australia, and thus practically the Australian Commonwealth itself, have formed themselves into a Union for the Protection of Industrial Property, "with power to add to their number." An International Office is maintained at Berne at the expense of the Union. Patentees having industrial or commercial establishments in any one country of the Union can import their patent articles into any other country of the Union without forfeiture of patent

rights. And the application for a patent for an invention in any country of the Union by subjects, residents, or persons having industrial or commerical establishments in that country, gives provisional protection in all the others for twelve months, but without prejudice to rights of other parties existing at the date of such application. In several of the states this protection is obtained automatically by the filing of an application in the home country, but in others there is no protection unless the forms be complied with. Thus in Great Britain applications under the Convention require a special form, and involve about £2 extra cost; a certified copy of the foreign patent application documents having to be filed with other documents.

The following countries practically give to subjects of Great Britain all the advantages of the Convention without having actually joined it—Canada, India, Australia, East African Protectorate, Transvaal, Southern Nigeria, Lagos, Seychelles Islands, Uraguay, and Paraguay.

In each country of the Union, citizens or subjects of states, members of the Union have three years to work their inventions even when the compulsory working clause of the country requires it being done in a shorter period. This in some countries, however, applies only to patents obtained avowedly under the convention.

UNITED STATES.

(Population, 70,000,000.)

Kinds and Duration of Patents.—There are two kinds of patents—patents of invention and patents of design. There is also a kind of provisional protection called a caveat.

The duration of a patent of invention is seventeen

years, which can be extended only by a special Act of the United States Congress.

Patents of design are granted for the mere shape or configuration of an article and at the option of the applicant for three and a half, seven, or fourteen years. Caveats are granted, for particulars see page 198, for one year renewable indefinitely, and are merely to enable the owner of an invention not yet sufficiently advanced for patenting to provisionally protect the same.

Except where otherwise stated the following matter relates only to patents of invention :—

Who can Patent.—Any person, citizen, or alien, even a minor or married woman, being the original inventor, executor, or administrator (appointed by the supreme court of the district of Columbia), of original inventor can obtain a patent. There is one exception to this, however,—no *employé* of the Patent Office can validly obtain any interest in a patent except by inheritance. A patent can be assigned before issue and the assignment recorded, in which case it is issued to the assignee.

What is Patentable.—" Any new and useful art, machine, manufacture, or composition of matter, or any new or useful improvement on any art, machine, manufacture, or composition of matter," can form the subject of a valid patent. The invention, to fulfil the definition " useful," must be capable of *some use*, but the amount of utility is legally unimportant.

A patent can only cover a single invention, but that invention may consist of several parts or combinations, all tending to a common manufacture, and working one with another to the same end when the principle involved in the combination is new—when in fact it is a " pioneer " invention ; improvements, however, of two known and old parts of one

machine cannot be patented in one patent, such, for instance, as an improved fly-wheel and an improved piston used in the same engine. Similarly a process and a machine for working that process, or a machine and its product, require separate patents; but a process of manufacturing a product and that product can be covered in one application. The American practice is much stricter than the English on this point.

Rights Conferred by Patent.—A patent gives the sole right of making, using, selling, or importing the patented invention from the date of the patent and of licensing others to do so.

When a patent is granted, the right in the subject-matter relates back to the time of the invention, so that the party who has practised the invention, between the time of the discovery and the issuing of the patent, must cease to do so, or can be sued for infringement. The same is true of acts done in violation of a patent which is surrendered and re-issued on account of defects in the specification (see page 203). Any person, however, who has purchased or constructed any newly invented machine, manufacture, or composition of matter, prior to the application for a patent by the inventor or discoverer, has a right to use, and vend to others to be used, the specific machine, manufacture, or composition of matter so made or purchased—without liability to the owner of the patent.

Novelty.—Each application in America is rigidly examined as regards novelty; there being a staff of one commissioner, one assistant commissioner, about one hundred examiners and assistant examiners, and a large number of clerks and copyists.

The invention must not have been in public use or on sale in the United States more than two years previous to the application, must not have been abandoned to the public, and must not have been fully

described in any printed publication, more than two years prior to the date of the American application, or have been published or patented by another party in any country prior to its invention by the applicant, and no foreign patent for the same invention must have expired prior to the application of the United States patent. Nor will United States patent be granted after the grant of a foreign patent for the same invention to the applicant or other party if the application for the foreign patent was dated more than twelve months before the application in America. By "full description" is meant such description as would enable a competent workman to work the invention successfully, without experiment or inventive talent. The mere use, however, of the invention abroad will not prevent any other person who may invent it independently, from validly patenting it in America, provided it has not previously been fully patented by any other person in any other country, or appeared anywhere in print prior to his invention of the same in the United States or of his introduction of it therein.

The American Patent Office is the most perfect institution of the kind in the world, but unfortunately has twice suffered seriously by fire, once in 1836, when the entire records, models, etc., were burnt; and again in 1877, when a large wing of the beautiful museum of models was destroyed.

Caveats.—Any citizen, or subject, or person domiciled in the United States or any country of the Union for the Protection of Industrial Property having an unperfected invention which he wishes to provisionally protect while making a model or experimenting to perfect it, can file for a small fee a "caveat" in the Patent Office, setting forth the distinguishing features of his invention, and praying for the protection of his right till he has matured his invention. The

caveat is filed in the secret archives, is operative for one year, and can be renewed again and again. If, during the term of the caveat, an application be made by any one for a patent with which such caveat would in any manner interfere, it is the duty of the commissioner to file the drawings, model, and specification of the new applicant in the secret archives, and call upon the caveator to file his specification, drawings, and model if required, within three months.

Procedure in Obtaining Patents.—Every applicant must produce a specification and drawing where the case admits of one, made according to the rules of the Patent Office, which are very exacting, and in some cases—where the examiner considers that it is essential to the proper understanding of the invention—a model. This model must not be over one foot in length, width, or height, and if made of pine or other soft wood, must be painted, stained or varnished. Glue must not be used, and it must be capable of resisting without damage the action of ordinary heat and of moisture. The name of the inventor, and the exact title of the invention, must be affixed to it in a permanent manner. In patents for compositions, specimens of the article and of each of its ingredients (when not dangerous or liable to decomposition) may be requisitioned by the examiner to be provided in neatly labelled bottles. The law in regard to the specification is substantially the same as that of England, except that the rule confining the application to one invention is more strictly enforced. Neither a machine and its product nor a process and mechanism for carrying out that process can be combined in one patent, nor can two alternative methods of carrying out the invention be specifically claimed—both can be shown, and one method, and the matter common to them both only, can alone be

claimed. A claim that would be admirable in England as claiming the invention concisely and clearly, will often not be allowed in America as setting forth a principle, or a function, while the usual run of specifications of American patents are unsuitable for England, from their omitting to claim anything more than the specific combination. While English courts construe the claim rigidly, but admit the right of the inventor to *claim* all applications of a new principle, if he describe one such application and set forth the principle in his claim, the United States courts hold a patent invalid if it claim a principle, or even a special adaptation of a principle, "and its mechanical equivalents." At the same time, while vigorous in disallowing all claims for principles, the United States courts are extremely liberal in construing claims, especially in the case of "pioneer" patents or patents of considerable originality, adjudging everything to be an infringement if the same result be obtained by equivalent means operated on the same principle as the adaptation claimed, though there be no infringement of the *actual words* of the claim.

In the words of Justice Nelson, in Blanchford *v.* Beer, "No man can appropriate the benefit of new ideas which another has originated and put into practical use, because he may have been enabled by superior mechanical skill to embody them in a form different in appearance or differing in reality. For although he may not have preserved the exterior appearance of the previous machine, he may have appropriated the ideas which give to it all its value."

If, however, another inventor discovers a new mode of accomplishing the same object, embracing fresh principles, and not mere mechanical equivalents of the original invention, the Government will grant a patent to the second inventor, and the new mode

will not be held an infringement of the older patent, unless the latter claim the object itself.

The applicant must make oath or affirmation that he verily believes himself to be the true and first inventor, and that he does not know and does not believe that the same was ever before known or used prior to his invention thereof (and if it be already patented abroad, he must state, in his oath, where it has been patented), and that it has not been in use or on sale in the United States to the best of his knowledge and belief, for a period of more than two years prior to the date of application in that country.

The specification and drawings having been filed, with the necessary fees, the invention is examined by the examiner of the class of inventions to which it relates (each examiner having all applications on certain specified subjects or classes apportioned to him). If the invention be, in the opinion of the examiner, new, useful, and correctly described, it is granted; if otherwise, it is referred back to the applicant or his agent, with objections and references to prior inventions covering part or all the ground of the alleged invention. The applicant is then permitted during the space of one year to alter his claims to obviate the objections when it is again examined. Should the examiner eventually reject it, appeal can be made at moderate rates to a board of three examiners, and again, if desirable, to the Commissioner, and even from him to the Supreme Court of the District of Columbia. The examiners, as a rule, however, are very just and liberal in their decisions, and very few appeals are required when we consider the vast number of applications (upwards of 35,000 a year).

If an application be granted, a final fee of ($20) has to be paid within six months, or the patent becomes void; should, however, this voidance

accidentally take place, any person having an interest in the invention can, during the next two years, make a fresh application for a patent for the said invention.

The question of priority of invention does not consist in who first conceived the idea, but who both first conceived and first worked it out into practical success. The mere first conception, if not diligently worked out, will not be held of value against a subsequent inventor who worked out the invention first into a practically useful result.

The Patent Office is to all practical purposes a patent court as far as deciding the point as to who is the rightful applicant of an invention, and the Commissioner can summon witnesses and take evidence in the same manner as a United States court. The clerk of any United States court can (at the demand of any party having a suit pending at the Patent Office) subpœna a witness to give evidence or make depositions or affidavits before a duly qualified officer, anywhere within forty miles of said witness's residence. Witnesses, however, can refuse to testify unless paid the prescribed rates, and no witness can be called upon to describe a secret invention. Appeals from an examiner can always be made to the Board of Examiners in Chief, and from them to the Commissioner, and from him again to the Supreme Court of the District of Columbia sitting in banc.

Conflicting Applications.—When an application, in the opinion of the Commissioner, "interferes" with or covers the ground of any other pending case, notice is given to both parties, and "interference" declared, and the primary examiner of interferences, after hearing both sides, decides which was the prior inventor. The patent, or disputed claim, is then granted to the one adjudged by the examiner to be the rightful owner, unless the adverse party appeals to the "Board of Examiners in Chief." A similar inter-

ference is allowed if the application cover the same ground as any unexpired patent, and the latter applicant file an affidavit stating that he made the invention before the date of the application for said unexpired patent; but if his suit be allowed, the examiner or Commissioner has no power to annul the first applicant's patent, but only to grant the second applicant a patent, and leave them to fight it out in a court of law.

Either patentee may bring a suit in equity, in the nearest United States circuit court, against the owners of the other interfering with him to stop such interference. Separate state courts have no jurisdiction. The court can adjudge and declare either patent void, in whole or in part, and decree costs, and also damages to the successful litigant, not exceeding in amount three times the actual damage proved to have been sustained.

Re-issues.—If, soon after a patent be obtained, the owners find that through accident, inadvertence, or mistake, the specification was unintentionally drawn up so as not to sufficiently or correctly explain the invention, or to claim all of the invention set forth in the specification, drawings, or model, he can surrender the patent to the Government, and demand one or more new ones for the unexpired portion of the term of the original patent, setting forth and claiming the invention fully. The cost of this re-issue is little less than that of the original patent. The specification and claims are examined and dealt with by the examiners, the same as if forming part of an original application. The patent when thus re-issued is as good against infringements taking place after the date of re-issue as an original patent could be, but it cannot be used against infringements made prior to the date of re-issue. No new matter can be inserted in a re-issue patent, but only such as can be reasonably shown

by the model, drawings, or specification to have been intended to form part of the original specification. This re-issue system was till lately allowed to be applied to all patents still in force, but was found to open a door for fraud, as the models were not so carefully kept but that one might be slightly altered to found a re-issue on; and no sooner did a successful invention make its appearance, than all the owners of patents for worthless schemes in any way resembling it at once set to work to see whether by a re-issue of their patents they could make them cover part of the ground of the successful patent, and thus blackmail its owner. To such a pass indeed had this gone that prudent inventors looked up all patents capable of being used in this way, and purchased them, if possible, before their own superior inventions became known. Latterly, however, the United States authorities have refused to allow re-issues unless made within a reasonable time after the issue of the original patent.

Disclaimers.—If the owner of a patent discover that, through ignorance or accident, his patent has been made to cover matter of which he or the orginal patentee of his patent was not the true and first inventor, his patents will still be held valid for those portions of his invention that are rightfully his, provided as soon as possible after he becomes convinced of having claimed more than is rightly his, he files a disclaimer at the Patent Office disclaiming the portion not legally his own. This disclaimer, if in due form, and accompanied by the required fee, is always allowed, but it must in no way enlarge the scope of the claims. The patent is now unimpeachable, in so far as having previously contained what was old is concerned. The filing of a disclaimer has no effect on an action pending at the time for infringement of a sound part of the patent, unless the infringer prove

that the party disclaiming unreasonably neglected or delayed to file the disclaimer, in which case the infringer will gain his case with costs.

Infringements.—In cases of infringements the defendant can successfully plead any of the following pleas :—

(1) That the patentee kept back a part from, or added something to, his specification, with intent to deceive or withhold from the public a valuable part of his invention.

(2) That the patentee surreptitiously or unjustly obtained the patent for that which was in fact invented by another, who was using reasonable diligence in adapting or perfecting the same.

(3) That the alleged invention had been patented or was described in print before the patentee's supposed invention or discovery thereof.

(4) That the patentee was not the original or first inventor of any material part thereof.

(5) That the said invention had been in public use or in sale in the United States for more than two years before the patentee's application for the patent, or it had been abandoned to the public.

(6) That it was patented abroad prior to the United States patent, and on an application made more than twelve months prior to the United States application.

If none of these pleas be sustained, and the infringement be proved, the court can assess damages sustained, and increase the amount at its discretion, levying the amount from the infringer.

Damages cannot be recovered for infringements made more than six years prior to the filing of the bill of complaint or the issue of the writ.

If the plea should be sustained that a certain material part of the patent is old, but at the same time it be found that the patentee was ignorant of

the fact, and that another material part of the invention has been infringed, the case will be decided against the infringer, but without costs.

To successfully plead abandonment of the invention to the public, it is necessary to show that the invention was publicly used, worked, or sold extensively in the United States by parties independent of the inventor, with the knowledge and tacit or expressed concurrence of the inventor before his application for a patent, or that by some well-defined action he offered the public the free use of it. Allowing others to use the invention as an express favour, or on royalty, for a period of less than two years immediately prior to the application for the patent, is not an abandonment to the public. But the tacit or open concurrence in independent parties using, working, or selling the invention in the United States prior to the application, is an abandonment to the public.

Infringement of a patent consists in making, using, selling, or importing the patented article or process without license from the patentee. A mere workman employed by another is not an infringer, but his employer is. Sale by a sheriff is not an infringement. The sale of articles produced by a patented machine or process, if not themselves patented, is not an infringement.

The description of a part of an invention in a patent specification without claiming it, but claiming other parts, and allowing the public free use of the unclaimed part, does not necessarily amount to an abandonment of the unclaimed part to the public; but on the contrary, by surrendering the patent and applying for a re-issue, the inventor can claim his neglected part, and, *if the re-issue be allowed*, stop all further infringements.

Assignments and Licenses.—A patent can be sold or assigned, in whole or in part, by an instrument

in writing, but that conveyance is not binding against any subsequent purchaser or mortgagee purchasing or mortgaging in good faith, unless it be registered in the Patent Office within three months of the date of the document. Licenses need not be registered. Joint owners of a patent without special agreement are not partners, but each can work the invention independently of the other, and grant licenses to third parties; but if it be proved that one has obtained more than his fair share of royalties, a court may require him to hand over part to his co-owners. He is, however, not liable to them for a share in the profits obtained by his own working of the patent, so long as he works the actual machine or thing patented. If, however, he works a modification that would be held to be an infringement of the patent, he can be proceeded against by the others as an infringer. So it has been decided once.

The holding of a simple license, without covenants or recitals acknowledging the validity of the patent, does not prevent a licensee from afterwards contesting the validity of a patent, and using its invalidity as a plea for not paying royalty or for infringing.

A patent can be granted and issued, or "re-issued," to the assignee of the inventor, but the assignment must first be registered at the Patent Office, and in all cases the original inventor must take the oath, and sign the specification. The executor or legal representatives of a dead inventor can take the oath, and obtain the patent in trust for his heirs.

Marking-Goods.—All patented articles should be inscribed with the word "Patented," and the date of the patent; but if this be impracticable, owing to the nature of the article, the inscription can be placed on the case or wrapper instead. Any patentee failing so to mark his goods will be debarred from obtaining damages in suit for infringement, unless he proves

that the infringer continued to infringe after being duly notified of the patent.

Any person wrongfully marking anything as "Patent," or "Patented," or other similar expression, or with the name or trade mark of a patentee with the purpose of deceiving the public, is liable to a penalty of £20 ($100) for each offence, one-half of which goes to the informer prosecuting.

Design Patents.—Patents are also granted for new designs or patterns of manufactured articles. These do not require a model, if the drawings and specification fully describe them. They are granted for three and a half, seven, or fourteen years, at the option of the applicant, the price of course varying. Except in these respects, the same rules apply to patents of designs as of invention. These patents of design are liable to considerable abuse, as it frequently happens that a manufacturer, having failed to obtain a patent of invention, owing to want of novelty, secures a patent of design, and marks the articles "Patented, June 24th, 1902," or whatever the date may be, thus giving the public to believe that the article itself is patented, whereas it may be that an ornamental design forming part of the machine is the sole portion really protected.

There are about 35,000 applicants for United States patents yearly, of which about three-fourths are granted, upwards of 778,000 having been issued by December, 1904, and of this enormous number about 300,000 are still nominally in force. Copies of specifications can be had at low rates, as in the English Patent Office; usual charge by Patent Agents, 1*s.*, or where a lot are ordered at once, or all of a specified subject, to be forwarded as they are issued, sixpence each is a usual charge.

Average costs: Original patent when unopposed, for residents in America, £13 to £18; for non-residents, £18 to £25.

Re-issues, from £12 to £16.
Caveats, £5.
Simple assignments, £1.
Patents for designs, 3½ years, £8 to £11.
" " 7 years, £9 to £13.
" " 14 years, £12 to £17.
Registering a label, £4.
" " " trade mark, £9.

URUGUAY.

(Population, 750,000.)

Patents of invention are granted to the original inventors of inventions, which have not yet been published in print at home or abroad, and that are not in use in the realm and have not been worked more than one year previously abroad. Medicines and financial devices are unpatentable.

Patents of importation are granted for inventions already patented abroad—not more than one year prior to the application in Uruguay—and prior publication of the foreign patent does not invalidate them. Patents of Addition are granted to the original patentee for improvements on his original patent. They are also granted at a higher rate to other parties, but these must pay to the original patentee such royalty as the Government shall decide to be fair.

Patents are granted at the option of the applicant for three, six, or nine years, not renewable. Models or specimens of good workmanship are required where the case admits of them.

There is an annual tax of $25—and if this be omitted to be paid the first year for ten days after it becomes due, the Government can grant the patent to any other applicant willing to pay said tax. A period during which working must be commenced in the realm on pain of liability to forfeiture, is stated in the

grant of each patent, but the Government is liberal in accepting reasonable excuses, and prolonging the term, if petitioned at least three months before its expiration.

Infringement is both a criminal and a civil offence, entailing fine, imprisonment, forfeiture of the counterfeited articles, and costs and damages.

Usual costs: Patent, £45.

Annual taxes, £7 10*s.*

Registering a trade mark, £27.

VENEZUELA.

(Population, 2,500,000.)

Patents are granted to the true and first inventor only, for five, ten, or fifteen years, at his option, for *new* inventions, other than medicines—that is, inventions not yet known to others in the realm, and not published anywhere, and that have not been worked anywhere more than two years. A patented invention must be worked in the realm—in the case of a five year patent within half a year of its grant, or in the case of ten and fifteen year patents within one and two years, respectively, of grant—and must not be discontinued for more than a year at a time without good excuse, on pain of forfeiture. Patents are granted as in France without guarantee of the Government, and without an examination as to novelty or utility.

Patents of importation granted to the patentee and inventor of any foreign patent for the same invention, and to expire with said foreign patent, are granted at any time during the continuance of such foreign patent, provided no prior applicant have claimed the invention.

Usual costs of patents, 5 years,	including the annual taxes for half the duration		£46
,, ,, 10 years,			£70
,, ,, 15 years,			£97

Annual tax, after first half of duration of patent, £11.

Cost of registering a trade mark, £15.

VICTORIA.

See Australia.

WESTERN AUSTRALIA.

See Australia.

WEST INDIES.

Hispaniola, divided into the two republics of Hayti (population, 1,250,000) and St. Domingo (population, 500,000), has no patent law, but special privileges can sometimes be obtained from the two legislatures at moderate rates.

Cuba (population, 1,600,000), Jamaica (population, 700,000), and Trinidad and Tobago (population, 300,000), the Windward Islands (population, 135,000), the Leeward Islands (population, 130,000), British Honduras (population, 31,000), the Bahamas (population, 50,000), St. Lucia (population, 50,000), St. Vincent (population, 40,000), and Burmudas (population, 16,000), all of which have been noticed in previous pages, require each a separate patent.

ZANZIBAR PROTECTORATE.

(Population about 2,000,000.)

The law and costs are practically the same as those of India, except that in place of annual taxes there is a tax (including agency) of £13 at the end of the 4th year, and £26 at the end of the eighth year.

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Inventors wishing to patent an invention should send us an accurate description of it. They will receive an answer by return of post as to whether it be patentable, and if so, what will be the exact cost of completely protecting it (including drawings, etc.). No charge made for such report; and all communications kept inviolably secret. Carriage of Models, etc., must, however, be prepaid, or they are liable to be returned unopened.

We do not, however, give advice gratis on questions of validity of patents, infringements, or on the novelty or utility of an invention, but are always ready to quote our fees for such information where it is required.

Abridgments of all English Patent Specifications, and of all existing American ones, with plates, and exact copies of all Trade marks, except cotton marks, registered in Great Britain, tabulated out chronologically under classes, kept on file at 6, Lord Street, Liverpool, and at the Library contiguous to our London office. The only true copies, we believe, in the world thus tabulated.

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